THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 17 NUMBER 170

Washington, Friday, August 29, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10388

REVOCATION OF EXECUTIVE ORDER NO. 8616[1] OF DECEMBER 19, 1940, PLACING PALMYRA ISLAND UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

By virtue of the authority vested in me as President of the United States, Executive Order No. 8616 of December 19, 1940, placing Palmyra Island under the control and jurisdiction of the Secretary of the Navy and reserving it for naval purposes, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 27, 1952.

[F. R. Doc. 52-9589; Filed, Aug. 28, 1952; 10:15 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

CHANGE IN CERTIFICATION AND APPLICATION FORMS FOR DISASTER LOANS

1. Paragraphs (c) and (d) of § 381.4, Title 6, Code of Federal Regulations (16 F. R. 3970), are revised to require the use of Form FHA–910 in obtaining certifications from applicants and the County Committee. Paragraphs (c) and (d) are revised to read as follows:

§ 381.4 *Eligibility and certifications.*

* * *

(c) *Certification by applicant.* Except as provided in § 381.9 (a), an applicant for a disaster loan, either initial or subsequent, must certify on Form FHA–910, "Statement of Loss and Certifications," before a disaster loan may be made, that he has suffered substantial damages as a result of a production disaster, and that he is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations.

(d) *Certification by County Committee.* Except as provided in § 381.9 (a), the County Committee must certify on Form FHA–910, before a disaster loan may be made, that to the best of its knowledge and belief:

(1) The applicant has suffered substantial damage as a result of a production disaster,

(2) The applicant is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations, and

(3) The applicant has the necessary experience and ability and will honestly endeavor to carry out the undertakings and obligations required of him under the loan.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 stat. 44; 12 U. S. C. 1148a–2)

2. Paragraph (a) of § 381.9, Title 6, Code of Federal Regulations (16 F. R. 3971) is amended to change the references to loan forms and to read as follows:

§ 381.9 *Loan forms and routines*—(a) *Application and certifications.* An applicant for an initial disaster loan will execute:

(1) Form FHA–197, "Application for FHA Services," except when he is a Farm Ownership borrower, a section 503 Farm Housing borrower, an active adjustment loan borrower or a paid-up disaster loan borrower who has not changed farms since he received his last disaster loan;

(2) Form FHA–197A, "Report on Application for Loan," except when he is a Farm Ownership borrower, a section 503 Farm Housing borrower or an active adjustment loan borrower; and

(3) Form FHA–910, "Statement of Loss and Certifications." In cases where applicants are Farm Ownership borrowers, section 503 Farm Housing borrowers or active adjustment loan borrowers, Form FHA–14, "Farm and Home Plan," will replace Forms FHA–197 and FHA–197A. In the case of applications for subsequent disaster loans, Form FHA–197 will be required only when the borrower has changed farms since his last disaster loan was received, and Form FHA–910 will not be required if the purpose of the loan is to supplement a dis-

(Continued on p. 7879)

[1] 3 CFR, 1943 Cum. Supp.; 5 F. R. 5215.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

aster loan previously made to cover the year's farming operations, and the borrower does not contemplate any major change in his farming operations during the period of the loan.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 43; 12 U. S. C. 1148a-2)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 8, 1952.

Approved: August 26, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9499; Filed, Aug. 28, 1952; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR FLORIDA ORANGES

On July 22, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 6713) regarding proposed United States Standards for Florida Oranges. A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Florida Oranges are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.302 *Standards for Florida oranges*—(a) *General.* (1) The standards in this section apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. The standards in this section do not apply to tangerines for which separate U. S. Standards are issued.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(ii) If any lot of U. S. Fancy Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Oranges of the early and mid-season varieties shall be fairly well colored.

(ii) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(iii) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(iv) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See Tolerances for Defects).

(i) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with

discoloration. (See Tolerances for Defects).

(i) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(7) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each orange of this grade shall be reasonably well colored.

(ii) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(iii) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(8) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(9) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(10) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See Tolerances for Defects.)

(ii) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(c) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Bright and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 1 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or

one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(8) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(e) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(f) *Standard pack for oranges except Temple variety.* (1) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container are outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
96's	3 5/16	3 13/16
125's or 126's	3 3/16	3 11/16
150's	3	3 5/16
175's or 176's	2 14/16	3 5/16
200's	2 13/16	2 15/16
216's	2 9/16	3
252's	2 5/16	2 14/16
288's or 294's	2 5/16	2 13/16
324's	2 5/16	2 9/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 1/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

(3) "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Mature" means the same as that term is set forth for oranges other than Temple oranges in sections 19 and 20, chapter 25149 and for Temple oranges, in sections 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

(6) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(7) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit;

(ii) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(iii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(iv) Scars which are depressed, not smooth, or which detract from the appearance of the friut to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(v) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(8) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(9) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(10) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose;

(ii) Creasing, when causing the skin to be materially weakened;

(iii) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(iv) Green spots or oil spots, when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange of 200-size. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on a 200-size orange;

(v) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture;

(vi) Scale, when occurring as a blotch and its size exceeds the area of a circle five-eights inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on a 200-size orange;

(vii) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(viii) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at

the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(ix) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(xi) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(11) "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

(12) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

(13) "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

(14) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

(15) "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

(16) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(iii) Creasing, when so deep or extensive that the skin is seriously weakened;

(iv) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(v) Green spots or oil spots, when seriously affecting the appearance of the individual fruit;

(vi) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(vii) Scale, when it seriously affects the appearance of the individual fruit;

(viii) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(ix) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(x) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xi) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(xiii) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed;

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(iii) Bird pecks, when not healed;

(iv) Caked melanose, when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(vi) Creasing, when so deep or extensive that the skin is very seriously weakened;

(vii) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(viii) Scab, when aggregating more than 25 percent of the surface of the fruit;

(ix) Scale, when covering more than 20 percent of the surface of the fruit;

(x) Split navels, when not healed or the fruit is seriously weakened;

(xi) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(xii) Sunburn, when seriously affecting more than one-third of the fruit surface;

(xiii) Thorn punctures, when not healed or the fruit is seriously weakened; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(20) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(h) *Standards for internal quality of common sweet oranges (Citrus Sinensis (L) Osbeck)*—(1) *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(2) *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(i) Each lot of fruit shall contain an average of not less than four and one-

half gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(i) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* (1) For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table II together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE II

Total soluble solids average percent	Maximum anhydrous citric acid average percent	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.963	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.306	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more		8.50-1

(j) *Method of juice extraction.* (1) The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze having 44x40 threads per square inch, and shall not be extracted or strained in any other manner.

(k) *Effective time.* The United States Standards for Florida oranges contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-9516; Filed, Aug. 28, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7742).

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the St. Louis, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete the last proviso in § 903.51 (a) and substitute therefor the following: "*And provided further,* That the plus amount to be added to the basic

formula price shall be $2.21 for the months of September, October, and November 1952, $2.04 for December 1952, and not less than $1.79 for January and February 1953."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after September 1, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9502; Filed, Aug. 28, 1952; 8:50 a. m.]

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add to the introductory language of § 907.33 (preceding paragraph (a)) following the word "handler" the phrase, "including any producer-handler."

2. Delete from § 907.45 (a) the phrase "except a producer-handler" and substitute therefor the phrase "including a producer-handler."

3. Delete § 907.45 (c).

4. Delete § 907.50 (b).

5. Delete at the end of § 907.90 the phrase "except as provided in § 907.10" and add the following: "except where the text of such section(s) of the order indicate that such section(s) should apply and except as provided in § 907.10."

6. Delete the semicolon and the word "or" at the end of § 907.91 (a) (1) and substitute in lieu thereof a period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after the 1st day of October 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9501; Filed, Aug. 28, 1952; 8:50 a. m.]

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7746).

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and as amended, and as hereby further amended as follows:

1. Change the period at the end of § 946.51 (a) to a colon and add the following: "*Provided*, That for each of the months of September 1952 through February 1953 the Class I price shall be the basic formula price plus $1.69 per hundredweight."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after September 1, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9500; Filed, Aug. 28, 1952; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53085]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

REQUIREMENTS ON ENTRY

In order to bring the customs regulations into conformity with the practice under which a consumption or warehouse entry may be accepted for each importation arriving under a consolidated immediate transportation without appraisement entry (see § 18.11 (h) of the Customs Regulations of 1943; 19 CFR 18.11 (h)), § 8.8 (f), Customs Regulations of 1943 (19 CFR 8.8 (f), as amended, is hereby further amended by deleting "or" at the end of subparagraph (6), by redesignating subparagraph (7) as subparagraph (8), and by inserting a new subparagraph (7) to read as follows:

§ 8.8 *Requirements on entry.* * * *

(f) * * *

(7) The merchandise for which a separate entry is tendered comprises one or more importations which arrived under a consolidated immediate transportation without appraisement entry (see § 18.11 (h) of this chapter); or

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 25, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9517; Filed, Aug. 28, 1952; 8:53 a. m.]

[T. D. 53086]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EVIDENCE OF RIGHT TO MAKE ENTRY; RELEASE OF MERCHANDISE

It has been held that a blanket carrier's certificate, customs Form 7529, appropriately modified, may be accepted from a carrier for shipments which will arrive on its conveyances at any port during a given period and that the release order at the bottom of the form may also be modified and executed to make it a blanket release order.

Accordingly, §§ 8.6 and 8.23, Customs Regulations of 1943 (19 CFR 8.6 and 8.23), as amended, are hereby amended as follows:

1. Section 8.6 is amended by redesignating paragraphs (f) to (l), inclusive, as paragraphs (g) through (m), respectively, and by inserting a new paragraph (f) to read:

§ 8.6 *Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.* * * *

(f) A collector may accept a blanket carrier's certificate, customs Form 7529, appropriately modified, from a carrier for any or all shipments which will arrive in its conveyances at the port during a period specified in the certificate.

2. Section 8.23 is amended by deleting the parenthetical matter at the end of paragraph (c) and adding the following new paragraph (d):

§ 8.23 *Release of merchandise.* * * *

(d) The release order at the bottom of customs Form 7529 may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's certificate as provided for by § 8.6 (f).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 25, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9518; Filed, Aug. 28, 1952; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., 146; 17 F. R. 150, 1178) are amended as indicated below:

1. Section 141.47 (b) is amended to read as follows:

§ 141.47 *Dibenzylethylenediamine dipenicillin G.* * * *

(b) *Sterility.* Proceed as directed in § 141.2, except prior to sterilization add 0.5 milliliter of polysorbate 80 to each tube of thioglycolate and Sabouraud's medium, and after sterilization add sufficient penicillinase to each tube of Sabouraud's medium to completely inactivate the penicillin used in the test. During the period of incubation, shake the tubes at least once daily.

2. Part 141 is amended by adding the following new sections:

§ 141.56 *Chloroprocaine penicillin O*—(a) *Potency, sterility, pyrogens, toxicity, moisture, pH, and crystallinity.* Proceed as directed in § 141.26.

(b) *Chloroprocaine penicillin O content.* Determine the penicillin O content of the sodium or potassium penicillin O used to make the chloroprocaine penicillin O as directed in § 141.5 (h). The penicillin O content of the chloroprocaine penicillin O is assumed to be identical to the percent of penicillin O found in the sodium or potassium penicillin O used in its manufacture.

(c) *Chloroprocaine penicillin G content.* Determine the penicillin G content of the sodium or potassium penicillin O used to make the chloroprocaine penicillin O as directed in § 141.5 (g). The penicillin G content of the chloroprocaine penicillin O is assumed to be iden-

tical to the percent of penicillin G found in the sodium or potassium penicillin O used in its manufacture.

§ 141.57 *Chloroprocaine penicillin O for aqueous injection.* For the determination of potency, sterility, moisture, pyrogens, toxicity, and pH, proceed as directed in § 141.29.

3a. In § 146.26 *Penicillin ointment* * * *, paragraph (a) *Standards of identity, etc.* is amended by inserting between the first and second sentences the following new sentence: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone."

b. Section 146.26 (c) (1) is amended by changing the period at the end of subdivision (iv) to a semicolon and adding the following new subdivision:

(c) *Labeling.* * * *

(1) * * *

(v) If the batch contains in addition to penicillin one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch.

4a. In § 146.45 *Procaine penicillin G in oil*, paragraph (a) *Standards of identity etc.* is amended by inserting between the first and second sentences the following new sentence: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone."

b. Section 146.5 (c) (1) (v) is amended to read as follows:

(c) *Labeling.* * * *

(1) * * *

(v) The name of each oil used in making the batch and, if aluminum monostearate is used as the dispersing agent or if nitrofurazone is used, the quantity used.

c. In § 146.45, paragraph (d) *Request for certification; samples*, subparagraph (3) (iii) is amended by inserting the words "or other ingredient" between the words "agent" and "used".

5a. In § 146.58 *Penicillin and streptomycin* * * *, paragraph (a) *Standards of identity etc.*, the first and second sentences are amended by inserting the words "or *l*-ephenamine penicillin G" between the words "potassium penicillin" and the word "or".

b. Section 146.58 (a) is further amended by inserting the sentence, "The *l*-ephenamine penicillin G used conforms to the requirements prescribed for *l*-ephenamine penicillin G by § 146.64 (a)." between the sentence, "The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146.24 (a)." and the sentence, "The streptomycin sulfate used conforms to the requirements prescribed by § 146.101 (a)."

c. In § 146.58, paragraph (b) *Packaging*, the second sentence is amended by inserting the words "or *l*-ephenamine penicillin G" between the words "potassium penicillin" and the word "and".

d. In § 146.58, paragraph (d) *Request for certification; samples*, subparagraph (2) is amended by renumbering subdivision (iv) as (v) and inserting between subdivision (iii) and renumbered subdivision (v) the following new subdivision:

(iv) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

e. In § 146.58 (d), subparagraph (3) is amended by renumbering subdivisions (iv) and (v) as (v) and (vi), respectively, and inserting between subdivision (iii) and renumbered subdivision (v) the following new subdivision:

(iv) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146.64 (b).

f. In § 146.58, subparagraph (1) of paragraph (e) *Fees*, insert "(vi)," between "(v)," and the word "and".

6. Part 146 is amended by adding the following new sections:

§ 146.79 *Chloroprocaine penicillin O (penicillin O chloroprocaine salt)*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O is the crystalline 2-chloroprocaine salt of penicillin O prepared from 2-chloroprocaine hydrochloride (95 percent purity and a melting point of 171°–176° C.) and crystalline penicillin O. It contains not less than 85 percent of the 2-chloroprocaine salt of penicillin O and not more than 0.5 percent of the 2-chloroprocaine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 850 units per milligram.

(2) It is sterile.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its moisture content is not more than 4.2 percent.

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloroprocaine penicillin O shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloroprocaine penicillin O shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, crystallinity, chloroprocaine penicillin O content, and chloroprocaine penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of:

(i) The batch:

(*a*) For all tests except sterility; 10 packages.

(*b*) For sterility testing; 10 packages. Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(ii) The penicillin O used in making the batch; 3 packages containing approximately 300 milligrams each.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which chloroprocaine penicillin O is to be used, the manufacturer of a batch which is so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) (*a*), (ii), and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.80 *Chloroprocaine penicillin O for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O for aqueous

injection is a dry mixture of chloroprocaine penicillin O and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless buffer substances. It is so purified and dried that:

(1) It is sterile.

(2) Its moisture content is not more than 4.2 percent.

(3) It is nonpyrogenic.

(4) It is nontoxic.

(5) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The chloroprocaine penicillin O used conforms to the requirements of § 146.79 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(iv) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications.

(ii) Dosage and administration, including method of preparing the drug for injection.

(iii) The conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(iv) Contraindications.

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloroprocaine penicillin O for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloroprocaine penicillin O used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, pH.

(ii) The chloroprocaine penicillin O used in making the batch; potency and crystallinity.

(iii) The penicillin O used in making the chloroprocaine penicillin O; penicillin O content and penicillin G content.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloroprocaine penicillin O used in making the batch; three packages containing approximately equal portions of not less than 300 milligrams each.

(iii) The penicillin O used in making the chloroprocaine penicillin O; three packages containing approximately equal portions of not less than 300 milligrams each.

(iv) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(v) In case of an initial request for the certification of a batch of chloroprocaine penicillin O for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.

(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), (v), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

7. In § 146.211 *Aureomycin surgical powder* * * *, paragraph (a) *Standards of identity, etc.*, second sentence, change the figure "200" in the second sentence to read "50".

8. In § 146.212 *Aureomycin vaginal suppositories* * * *, paragraph (a) *Standards of identity, etc.*, second sentence, change the figure "250" to read "100".

This order, which provides for modification of the sterility tests for dibenzylethylenediamine dipenicillin G; for the use of nitrofurazone as an ingredient of penicillin ointment, if it is intended for veterinary use and so labeled; for the use of nitrofurazone as an ingredient of

penicillin in oil if it is intended for veterinary use and so labeled; for the use of *l*-ephenamine penicillin G in combination with streptomycin or dihydrostreptomycin; for tests and methods of assay and certification of choloroprocaine penicillin O; for tests and methods of assay and certification of choloroprocaine penicillin O for aqueous injection; for reducing the minimum amount of aureomycin required to be present in each gram of aureomycin surgical powder to 50 milligrams; and for reducing the minimum amount of aureomycin required to be present in each aureomycin vaginal suppository to 100 milligrams, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: August 25, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-9496; Filed, Aug. 28, 1952; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 50—EXECUTIVE ORDERS RELATING TO THE HOARDING, EXPORT, AND EARMARKING OF GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES

REVOCATION OF REGULATIONS OF SEPTEMBER 12, 1933

The regulations of September 12, 1933, issued under the authority of Executive Order 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), are hereby revoked. The revocation of such regulations shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to said revocation but all liabilities under said regulations shall continue and may be enforced in the same manner as if said revocation had not been made.

(Sec. 5 (b), 40 Stat. 415, as amended; 12 U. S. C. 95a, E. O. 6260, Aug. 28, 1933)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9474; Filed, Aug. 28, 1952; 8:45 a. m.]

PART 54—GOLD REGULATIONS

The Gold Regulations, 13 F. R. 2742; 31 CFR Part 54, are hereby amended and revised for the purpose of modifying certain requirements for dealing in gold, incorporating in the regulations certain administrative interpretations and rulings, and setting forth in greater detail existing law applicable to the acquisition, possession, holding and use of gold.

The amendments to §§ 54.1, 54.4, 54.6 (c), 54.20, and 54.26 are issued after due consideration of all relevant views and material submitted pursuant to a notice of proposed rule making published in the FEDERAL REGISTER on April 30, 1952 (17 F. R. 3831) setting forth the substance of the proposed rules and affording interested persons 30 days within which to submit their views in writing.

The amendments to §§ 54.2, 54.4 (a) (1) to (a) (10) (ii) inclusive and 54.4 (a) (12) to (c) inclusive, 54.6 (a) (b) and (d), 54.7, 54.9, 54.10, 54.11, 54.12, 54.15, 54.16, 54.17, 54.18, 54.19, 54.21, 54.22, 54.23, 54.25, 54.26 (d), 54.28, 54.29, 54.31, 54.33, 54.34, 54.35, 54.36, 54.37, 54.38, 54.39, 54.40, 54.41, 54.42, 54.43, and 54.44 are made without notice and public procedure thereon because such amendments either make no substantive change in existing regulations or constitute statements of organization and procedure, or because notice and public procedure thereon are deemed to be impracticable, unnecessary or contrary to the public interest.

Accordingly, effective September 29, 1952, 31 CFR Part 54, Gold Regulations, is amended to read as follows:

SUBPART A—GENERAL PROVISIONS

SUBPART B—CONDITIONS UNDER WHICH GOLD MAY BE ACQUIRED AND HELD, TRANSPORTED, MELTED OR TREATED, IMPORTED, EXPORTED, OR EARMARKED

SUBPART C—GOLD FOR INDUSTRIAL, PROFESSIONAL, AND ARTISTIC USE

SUBPART D—GOLD FOR THE PURPOSE OF SETTLING INTERNATIONAL BALANCES, AND FOR OTHER PURPOSES

SUBPART E—GOLD FOR OTHER PURPOSES NOT INCONSISTENT WITH THE PURPOSES OF THE GOLD RESERVE ACT OF 1934 AND THE ACT OF OCTOBER 6, 1917, AS AMENDED

SUBPART F—PURCHASE OF GOLD BY MINTS

SUBPART G—SALE OF GOLD BY MINTS

SUBPART H—INSTRUCTIONS ISSUED PURSUANT TO THE REGULATIONS IN THIS PART

SUBPART I—TRANSITORY PROVISIONS

AUTHORITY: §§ 54.1 to 54.70 issued under sec. 5 (b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U. S. C. 95a, 31 U. S. C. 442, 733, 734, 822b, E. O. 6260, Aug. 28, 1933, E. O. 6359, Oct. 25, 1933; E. O. 9193, July 6, 1942, as amended, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 10289, Sept. 17, 1951, 16 F. R. 9499; 3 CFR 1951 Supp.

SUBPART A—GENERAL PROVISIONS

§ 54.1 *Authority for regulations.* By virtue of and pursuant to:

(a) The authority vested in the Secretary of the Treasury by the Gold Reserve Act of 1934, approved January 30, 1934 (48 Stat. 337; 31 U. S. C. 440), and the authority with respect to the approval of regulations issued thereunder which the President of the United States has delegated to the Secretary of the Treasury in paragraph 2 (d) of Executive Order No. 10289 of September 17, 1951 (16 F. R. 9501) and

(b) The authority which the President of the United States has delegated to the Secretary of the Treasury by Executive Orders Nos. 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), 6359 of October 25, 1933 and 9193 of July 6, 1942, as amended (7 F. R. 5205, 3 CFR 1943 Cum. Supp.), which delegations were made by the President of the United States by virtue of and pursuant to the authority vested in him by section 5 (b) of the act of October 6, 1917 (40 Stat.

415), as amended by section 2 of the act of March 9, 1933 (48 Stat. 1), and title III, section 301 of the "First War Powers Act, 1941" (55 Stat. 839; 12 U. S. C. 95a), and all other authority vested in him, the following regulations, entitled "Gold Regulations," deemed in the public interest and necessary and proper to carry out the purposes of said acts and Executive orders, are issued by the Secretary of the Treasury.

§ 54.2 *General provisions*—(a) *Scope.* Sections 54.12 to 54.34 refer particularly to section 3 of the Gold Reserve Act of 1934, as amended, and to Executive Order No. 6260 of August 28, 1933, sections 4, 5 and 6 of the Executive Order No. 6359 of October 25, 1933, and Executive Order No. 9193 of July 6, 1942, as amended; and §§ 54.35 to 54.44 refer particularly to sections 8 and 9 of the Gold Reserve Act of 1934, as amended.

(b) *Delivery requirements of 1933 Gold Orders.* Executive Order 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), and the Order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented required that, with certain exceptions, all persons subject to the jurisdiction of the United States deliver to the United States gold coins, gold bullion, and gold certificates situated in the United States and held or owned by such persons on the dates of such orders. The regulations in this part do not alter or affect in any way the obligations with respect to the delivery of such gold coins, bullion, and certificates existing under said orders, and gold coins, bullion, and certificates required to be delivered pursuant to such orders are still required to be delivered, and may be received in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934 (§ 53.1 of this chapter), subject to the rights reserved in such instructions.

(c) *Effect of authorizations and licenses.* (1) A general authorization contained in, or a license issued pursuant to the regulations in this part, permitting the acquisition, holding, transporting, melting or treating, importing, exporting or earmarking of gold, constitutes within the limits and subject to the terms and conditions thereof a license issued under and pursuant to Executive Order No. 6260 of August 28, 1933, for such acquisition, holding, transporting, etc.

(2) Any authorization in the regulations in this part, or in any license issued hereunder to acquire, hold, transport, melt or treat, import or export gold in any form shall not be deemed to authorize, unless it specifically so provides, the acquisition, holding, transporting, melting or treating, importing, or exporting of the following:

(i) Any gold coin (except rare gold coin as defined in § 54.20) or any gold melted by any person from gold coin subsequent to April 5, 1933.

(ii) Any gold which has been held at any time in noncompliance with the acts, the orders, or any regulations, rulings, instructions or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder.

(d) *Revocation or modification.* The provisions of this part may be revoked or modified at any time and any license outstanding at the time of such revocation or modification shall be modified thereby to the extent provided in such revocation or modification.

§ 54.3 *Titles and subtitles.* The titles in this part are inserted for purposes of ready reference and are not to be construed as constituting a part of the regulations in this part.

§ 54.4 *Definitions.* (a) As used in this part, the terms:

(1) "The acts" means the Gold Reserve Act of 1934, as amended, and section 5 (b) of the act of October 6, 1917, as amended by section 2 of the act of March 9, 1933 and Title III, section 301 of the "First War Powers Act, 1941" approved December 18, 1941.

(2) "The orders" means Executive Orders Nos. 6260 of August 28, 1933; 6359 of October 25, 1933; and 9193 of July 6, 1942, as amended.

(3) "United States" means the Government of the United States, or where used to denote a geographical area, means the continental United States and all other places subject to the jurisdiction of the United States.

(4) "Continental United States" means the States of the United States, the District of Columbia, and the Territory of Alaska.

(5) "Person" means any individual, partnership, association, or corporation, including the Board of Governors of the Federal Reserve System, Federal Reserve banks, and Federal Reserve agents.

(6) "Mint" means a United States mint or assay office, and wherever authority is conferred upon a "mint" such authority is conferred upon the person locally in charge of the respective United States mint or assay office acting in accordance with the instructions of the Director of the Mint or the Secretary of the Treasury.

(7) "Mint district" means one of the following areas:

(i) The mint district of Philadelphia, which for the purposes of this part consists of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

(ii) The mint district of New York, which for the purposes of this part consists of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

(iii) The mint district of Denver, which for the purposes of this part consists of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

(iv) The mint district of San Francisco, which for the purposes of this part consists of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

(v) The mint district of Seattle, which for the purposes of this part consists of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

(8) "Gold coin" means any coin containing gold as a major element, including gold coin of a foreign country.

(9) "Gold bullion" means any gold which has been put through a process of smelting or refining, and which is in such state or condition that its value depends primarily upon the gold content and not upon its form; the term "gold bullion" includes, but not by way of limitation, semi-processed gold and scrap gold, but it does not include fabricated gold as defined in this section, metals containing less than 5 troy ounces of fine gold per short ton, or unmelted gold coin.

(10) Fabricated and semi-processed gold:

(i) "Fabricated gold" means processed or manufactured gold in any form (other than gold coin or scrap gold) which:

(*a*) Has a gold content the value of which does not exceed 80 percent of the total domestic value of such processed or manufactured gold; and

(*b*) Has, in good faith, and not for the purpose of evading or enabling others to evade the provisions of the acts, the orders, or the regulations in this part, been processed or manufactured for some one or more specific and customary industrial, professional or artistic uses.

(ii) "Semi-processed gold" means processed or manufactured gold in any form (other than gold coin or scrap gold) which:

(*a*) Has a gold content the value of which exceeds 80 percent of the total domestic value of such processed or manufactured gold; and

(*b*) Has, in good faith, and not for the purpose of evading or enabling others to evade the provisions of the acts, the orders, or the regulations in this part, been processed or manufactured for some one or more specific and customary industrial, professional or artistic uses.

(iii) The value of the gold content of an article shall be computed for the purposes of this subparagraph at $35 per troy ounce of fine gold content.

(iv) For the purpose of this subparagraph, the total domestic value of processed or manufactured gold shall be based on the cost to the owner and not the selling price. The allowable elements of such value are:

(*a*) In the case of a manufacturer or processor, only the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article; and

(*b*) In the case of a dealer or other person who holds or disposes of gold without further processing, only the net purchase price paid by such person, including transportation costs, if any, incurred in obtaining delivery of such article to his usual place of business.

(11) "Scrap gold" means gold filings, clippings, polishings, sweepings and the like and any other melted or unmelted

scrap gold, semi-processed gold or fabricated gold, the value of which depends primarily upon its gold content and not upon its form, which is no longer held for the use for which it was processed or manufactured.

(12) "Gold in its natural state" means gold recovered from natural sources which has not been melted, smelted, or refined, or otherwise treated by heating or by a chemical or electrical process.

(13) "Hold", when used with reference to gold includes actual or constructive possession of or the retention of any interest, legal or equitable, in such gold, and includes, but not by way of limitation, acts of agency with respect thereto although the principal be unknown.

(b) Wherever reference is made in this part to equivalents as between dollars or currency of the United States and gold, $1 or $1 face amount of any currency of the United States equals fifteen and five twenty-firsts ($15\frac{5}{21}$) grains of gold, nine-tenths fine.

(c) Wherever reference is made in this part to "sections", the reference is, unless otherwise indicated, to the designated sections of this part.

§ 54.5 *General provisions affecting applications, statements, and reports.* Every application, statement, and report required to be made under this part shall be made upon the appropriate form prescribed by the Secretary of the Treasury. Action upon any application or statement may be withheld pending the furnishing of any or all of the information required in such forms or of such additional information as may be deemed necessary by the Secretary of the Treasury, or the agency authorized or directed to act under this part. There shall be attached to the applications, statements, or reports such instruments as may be required by the terms thereof and such further instruments as may be required by the Secretary of the Treasury, or by such agency.

§ 54.6 *General provisions affecting licenses and authorizations.* (a) Licenses issued pursuant to the regulations in this part shall be upon the appropriate form prescribed by the Secretary of the Treasury. Licenses shall be nontransferable and shall entitle the licensee to acquire, hold, transport, melt or treat, import, export, or earmark gold only in such form and to the extent permitted by, and subject to the conditions prescribed in, the regulations in this part and such licenses.

(b) *Revocation or modification of licenses.* Licenses may be modified or revoked at any time in the discretion of the Director of the Mint. In the event that a license is modified or revoked (other than by a modification or revocation of the regulations in this part), the Director of the Mint shall advise the licensee by letter, mailed to the last address of the licensee on file in the Bureau of the Mint. The licensee, upon receipt of such advice, shall forthwith surrender his license as directed in such advice. If the license has been modified but not revoked, the Director of the Mint shall thereupon issue or cause to be issued a modified license.

(c) *Exclusions.* The Director of the Mint may exclude particular persons or classes thereof from the operation of any section of the regulations in this part (except §§ 54.28 to 54.30, inclusive) or licenses issued thereunder or from the privileges therein conferred. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof. Any violation of the provisions of the regulations in this part or any license issued hereunder, shall constitute, but not by way of limitation, grounds for such exclusion.

(d) *Requests for reconsideration.* A written request for reconsideration of a denial of an application for a license, of a revocation, suspension, or modification of an existing license, or of an exclusion from the authorizations or privileges conferred in any section of the regulations in this part setting forth in detail the reasons for such request, may be addressed to the Director of the Mint, Treasury Department, Washington 25, D. C. In addition, upon written request, the Director will schedule a hearing in the matter at which time there may be brought to the attention of the Bureau of the Mint any information bearing thereon.

(e) No license issued hereunder shall exempt the licensee from the duty of complying with the legal requirements of any State or Territory or local authority.

(f) No license shall be issued to any person doing business under a name which in the opinion of the Secretary of the Treasury or the designated agency issuing the license, is designed or is likely to induce the belief that gold is purchased, treated, or sold on behalf of the United States or for the purpose of carrying out any policy of the United States.

§ 54.7 *General provisions affecting export licenses.*[1] At the time any license to export gold is issued, the mint issuing the same shall transmit a copy thereof to the collector of customs at the port of export designated in the license. No collector of customs shall permit the export or transportation from the continental United States of gold in any form except upon surrender of a license to export, a copy of which has been received by him from the mint issuing such license: *Provided, however,* That the export, or transportation from the continental United States of fabricated gold may be permitted pursuant to § 54.25 and the export or transportation from the continental United States of gold imported for re-export may be permitted pursuant to § 54.33: *And provided further,* That gold held by the Federal Reserve banks under §§ 54.28 to 54.30, inclusive, may be exported for the purposes of such sections without a license. The collector of customs to whom a license to export is surrendered shall cancel such license and return it to the Federal Reserve bank or mint which issued the same. In the event that the shipment is to be made by mail, a copy of the export license shall be sent to the postmaster of the post office designated in the application, who will act under the instructions of the Postmaster General in regard thereto.

§ 54.8 *General provisions affecting import licenses.* No gold in any form imported into the United States shall be permitted to enter until the person importing such gold shall have satisfied the collector of customs at the port of entry that he holds a license authorizing him to import such gold or that such gold may be imported without a license under the provisions of §§ 54.12 to 54.21, inclusive, or §§ 54.28 to 54.30, inclusive. Postmasters receiving packages containing gold will deliver such gold subject to the instructions of the Postmaster General.

(a) *Certificates with respect to imported gold.* Collectors of customs shall, upon receipt of instructions[2] issued from time to time by the Secretary of the Treasury with the approval of the President, refuse entry into the continental United States of gold in the form and condition described in such instructions, which is exported from the country or countries specified in such instructions, unless there is filed with the collector of customs at the port of entry a certificate duly certified by an officer of the country from which the gold is exported to the effect that such gold was or may be lawfully exported from such country.

§ 54.9 *Forms available.* Any form, the use of which is prescribed in this part, may be obtained at, or on written request to, any United States Mint or assay office, or the Director of the Mint, Treasury Department, Washington 25, D. C.

§ 54.10 *Representations by licensees.* Licensees may include in public and private representations or statements the clause "licensed on form TGL ------ (here inserting the number of the form of license held by the licensee) pursuant to the regulations issued by the Secretary of the Treasury," but any representation or statement which might induce the belief that the licensee is acting or is especially privileged to act on behalf of or for the United States, or is purchasing, treating, or selling gold for the United States, or in any way dealing in gold for the purpose of carrying out any policy of the United States, shall be a violation of the conditions of the license.

(a) *Business names and representations generally.* No person doing business under a name which is designed or is likely to induce the belief that gold is being purchased, treated, or sold on behalf of the United States, or any agency thereof, or for the purpose of carrying out any policy of the United States, or making representations or statements which might induce the belief that such

[1] The regulations in this part shall not be construed as relieving any person from the obligation of compliance with the regulations of the Office of International Trade, (15 CFR Parts 360 to 399), the Bureau of Customs (19 CFR Chapter I), or other laws or regulations relating to the importation or exportation of merchandise, where applicable to imports or exports of gold, or articles containing gold.

[2] See Subpart H of this part for instructions issued pursuant to § 54.8 (b).

person is acting or is especially privileged to act on behalf of or for the United States, or is purchasing, treating, or selling gold for the United States, or in any way dealing in gold for the purpose of carrying out any policy of the United States, may acquire, hold, transport, melt, or treat, import, export or earmark any gold under authority of §§ 54.12 to 54.20 inclusive, or §§ 54.21 to 54.27, inclusive.

§ 54.11 *Civil and criminal penalties*—(a) *Civil penalties.* Attention is directed to section 4 of the Gold Reserve Act of 1934, which provides:

> Any gold withheld, acquired, transported, melted or treated, imported, exported, or earmarked or held in custody, in violation of this act or of any regulations issued hereunder, or licenses issued pursuant thereto, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and in addition any person failing to comply with the provisions of this Act or of any such regulations or licenses, shall be subject to a penalty equal to twice the value of the gold in respect of which such failure occurred. (31 U. S. C. 443)

(b) *Criminal punishment.* Attention is also directed to (1) section 5 (b) of the act of October 6, 1917, as amended, which provides in part:

> Whoever wilfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (12 U. S. C. 95a (3))

This section of the act of October 6, 1917, as amended, is applicable to violations of any provisions of this part and to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to the regulations in this part or otherwise under section 5 (b) of the act of October 6, 1917, as amended.

(2) Section 1001 of the United States Criminal Code, which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious of fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (18 U. S. C. 1001.)

SUBPART B—CONDITIONS UNDER WHICH GOLD MAY BE ACQUIRED AND HELD, TRANSPORTED, MELTED OR TREATED, IMPORTED, EXPORTED, OR EARMARKED

§ 54.12 *Conditions under which gold may be acquired, held, melted, etc.* Gold in any form may be acquired, held, transported, melted or treated, imported, exported, or earmarked only to the extent permitted by and subject to the conditions prescribed in, the regulations in this part or licenses issued thereunder.

§ 54.13 *Transportation of gold.* Gold may be transported by carriers for persons who are licensed to hold and transport such gold or who are permitted by the regulations in this part to hold and transport gold without a license.

§ 54.14 *Gold situated outside of the United States.* Gold in any form situated outside of the United States may be acquired, transported, melted or treated, or earmarked or held in custody for foreign or domestic account without the necessity of holding a license.

§ 54.15 *Gold situated in the possessions of the United States.* Gold in any form (other than United States gold coin) situated in places subject to the jurisdiction of the United States beyond the limits of the continental United States may be acquired, transported, melted or treated, imported, exported, or earmarked or held in custody for the account of persons other than residents of the continental United States, by persons not domiciled in the continental United States: *Provided, however,* That gold may be transported from the continental United States to the possessions of the United States only as authorized by §§ 54.25, 54.32, 54.33 or 54.34, or licenses issued pursuant thereto.

§ 54.16 *Fabricated gold.* Fabricated gold as defined in § 54.4 may be acquired, held, transported within the United States or imported without the necessity of holding a license therefor. Fabricated gold may be exported only as authorized in § 54.25 or in a license issued pursuant to that section.

§ 54.17 *Metals containing gold.* Metals containing not more than 5 troy ounces of fine gold per short ton may be acquired, held, transported within the United States, or imported without the necessity of holding a license therefor. Such metals may be melted or treated, and exported only to the extent permitted by and subject to the conditions prescribed in or pursuant to §§ 54.21 to 54.27, inclusive.

§ 54.18 *Unmelted scrap gold.* Unmelted scrap gold may be acquired, held, transported within the United States, or imported, in amounts not exceeding at any one time 35 fine troy ounces of gold content without the necessity of holding a license therefor. Persons holding licenses issued pursuant to paragraph (a) of § 54.25, or acquiring, transporting, importing or holding gold pursuant to § 54.21, may not acquire, transport, import or hold any gold under authority of this section.

§ 54.19 *Gold in its natural state.* (a) Gold in its natural state as defined in § 54.4 may be acquired, transported within the United States, imported, or held in custody for domestic account only, without the necessity of holding a license therefor.

(b) Gold amalgam which results from the addition of mercury to gold in its natural state recovered from natural deposits in the United States or a place subject to the jurisdiction thereof, may be heated to a temperature sufficient to separate the mercury from the gold (but not to the melting temperature of gold) without a license by the person who recovered the gold from such deposits, or his duly authorized agent or employee. The retort sponge resulting from such heating of such gold amalgam may be held and transported by such person without a license: *Provided, however,* That no such person may hold at any one time an amount of such retort sponge which exceeds in fine gold content 200 troy ounces. Such retort sponge may be acquired from such persons:

(1) By the United States;

(2) By persons holding licenses issued pursuant to paragraph (a) of § 54.25;

(3) By other persons provided that the aggregate amount of such retort sponge acquired and held by such other persons does not exceed at any one time 35 fine troy ounces of gold content.

(c) Persons acquiring retort sponge under paragraph (b) (3) of this section are authorized to dispose of such retort sponge only to the United States and to persons holding licenses issued pursuant to paragraph (a) of § 54.25.

(d) Except as provided in §§ 54.12 to 54.20 inclusive, and in § 54.33, gold in its natural state may be melted or treated or exported only to the extent permitted by, and subject to the conditions prescribed in, or pursuant to, §§ 54.21 to 54.27, inclusive.

§ 54.20 *Rare coin.* (a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired and held, transported within the United States, or imported without the necessity of holding a license therefor.

(b) Such coin may be exported only in accordance with the provisions of § 54.25.

(c) Gold coin of foreign issue made subsequent to April 5, 1933, is presumed not to be of recognized special value to collectors of rare and unusual coin.

SUBPART C—GOLD FOR INDUSTRIAL, PROFESSIONAL, AND ARTISTIC USE

§ 54.21 *Thirty-five-ounce exemption for processors.* (a) Subject to the conditions in paragraph (b) of this section, any person regularly engaged in an industry, profession or art, who requires gold for legitimate, customary, and ordinary use therein, may, without the necessity of obtaining a Treasury gold license:

(1) Import unmelted scrap gold or acquire gold in any form from any person authorized to hold and dispose of gold in such form and amount under the regulations in this part or a license issued pursuant hereto;

(2) Hold, transport, melt, and treat such gold; and

(3) Furnish unmelted scrap gold to the United States, to persons operating pursuant to §§ 54.18 or 54.21, or to the holder of a license issued pursuant to paragraph (a) of § 54.25;

(4) Furnish melted scrap gold to the United States, to other persons operating pursuant to § 54.21, or to the holder of a license issued pursuant to paragraph (a) of § 54.25, which authorizes the acquisition of such melted scrap gold.

(b) The privileges of paragraph (a) of this section are granted subject to the following conditions:

(1) That the aggregate amount of such gold acquired, held, transported, melted and treated, and imported, does not exceed at any one time 35 fine troy ounces of gold content (not including gold which may be acquired, held, etc., without a license under any other section of this part, except § 54.18);

(2) That such gold is acquired and held only for processing into fabricated gold, as defined in § 54.4, by such person in the industry, profession, or art in which he is engaged; and

(3) That full and exact records are kept and furnished in compliance with § 54.26.

(c) Persons acquiring, holding, transporting, melting and treating, and importing, gold under authority of this section are not authorized:

(1) To consign gold bullion, including semi-processed gold, to other persons for processing;

(2) To furnish melted scrap gold to persons operating pursuant to the provisions of § 54.18; or

(3) To dispose of gold held under authority of this section otherwise than in the form of fabricated gold or scrap gold.

(d) Persons holding licenses issued pursuant to paragraph (a) of § 54.25 or acquiring, holding, transporting, or importing, gold pursuant to § 54.18 may not acquire, hold, transport, melt or treat, or import, any gold under authority of this section.

§ 54.22 *Licenses required.* Except as permitted in §§ 54.12 to 54.20, inclusive, and § 54.21, gold may be acquired and held, transported, melted or treated, imported, exported or earmarked for industrial, professional, or artistic use only to the extent permitted by licenses issued under § 54.25.

§ 54.23 *Issuance of licenses or general authorizations.* The Director of the Mint may issue or cause to be issued licenses or other authorizations permitting the acquisition and holding, transportation, melting and treating, importing and exporting of gold which the Director is satisfied is required for legitimate and customary use in industry, profession, or art, by persons regularly engaged in the business of furnishing or processing gold for industry, profession, or art, or for sale to the United States.

§ 54.24 *Applications.* Every application for a license under paragraph (a) of § 54.25 shall be made on form TG–12 (except that applications for export shall be made on form TG–15) and shall be filed in duplicate with the United States mint for the mint district in which is located the applicant's principal place of business. No person shall make application to more than one mint; and in the event any one person is through misrepresentation issued a license under this subpart by more than one mint, all licenses issued to such person shall be void from the date of the issuance to such person of a license by a second mint. Every applicant for a license under paragraph (a) of § 54.25 shall state in his application whether or not any applications have been filed by or licenses issued to any partnership, association, or corporation in which the applicant has a substantial interest or if the applicant is a partnership, association, or corporation, by or to a person having a substantial interest in such partnership, association, or corporation. No mint shall issue any license to any person if in its judgment more than one license for the same purpose will be held for the principal use or benefit of the same persons or interests. Any person licensed under this subpart acquiring a principal interest in any partnership, association, or corporation, holding a license under this subpart for this purpose shall immediately so inform the mints which issued the licenses.

§ 54.25 *Licenses*—(a) *Licenses for the acquisition and holding, transportation, melting and treating, importing and disposition of gold.* (1) Upon receipt of the application and after obtaining such additional information as may be deemed advisable, the Director of the Mint, shall, if satisfied that gold is necessary for the legitimate and customary requirements of the applicant's industry, profession, art, or business, and that the applicant is qualified in all respects to conduct gold operations in full compliance with the provisions of this part and the provisions of a Treasury gold license, issue or cause to be issued to the applicant a Treasury gold license on the approved form for the kind of industry, profession, art, or business, in which the applicant is engaged.

(2) Licenses issued under this section may authorize the licensee to acquire and hold not to exceed a maximum amount specified therein, which amount shall not, except in justified cases, be greater than the estimated requirements of the licensee for a period of 3 months; to transport such gold, melt or treat it to the extent necessary to meet the requirements of the industry, profession, art or business for which it was acquired and held or otherwise to carry out the purposes for which it is held under license; and to import gold so long as the aggregate amount of all gold held after such importation does not exceed the maximum amount authorized by the license to be held.

(3) Licenses issued under this paragraph do not permit the exportation or transportation from the continental United States of gold in any form. Such exportation or transportation is permitted only to the extent authorized in paragraph (b) of this section or in a separate license issued pursuant to such paragraph.

(b) *Licenses and authorizations for the exporting of gold*—(1) *Semi-processed gold.* Semi-processed gold as defined in § 54.4 may be exported or transported from the continental United States only pursuant to a separate export license issued by the mint in the district in which the applicant has its principal place of business. Such licenses shall be issued only with the approval of the Director of the Mint and upon application made on Form TG–15 establishing to the satisfaction of the Director that the gold to be exported is semi-processed gold and that the export or transport from the continental United States is for a specific and customary industrial, professional, or artistic use and not for the purpose of using or holding or disposing of such semi-processed gold beyond the limits of the continental United States as, or in lieu of money, or for the value of its gold content.

(2) *Fabricated gold.* Fabricated gold as defined in § 54.4 may be exported or transported from the continental United States without the necessity of obtaining a Treasury gold license: *Provided, however,* That the words "Fabricated Gold" shall be plainly marked on the outside of the package or container, the shipper's export declaration shall contain a statement that such gold is fabricated gold as defined in § 54.4 and is being exported pursuant to the authorization contained in this subparagraph, and such additional documentation shall be furnished as may be required by the Bureau of Customs or any other government agency charged with the enforcement of laws relating to the exportation of merchandise from the United States.

(3) *Rare coin.* Rare gold coin as defined in § 54.20 may be exported or transported from the continental United States only under license on form TCL–11 issued by the Director of the Mint. Application for such a license shall be executed on form TC–11 and filed with the Director of the Mint, Treasury Department, Washington 25, D. C.

(4) *Other exports of gold.* Export licenses may also be issued upon application made on Form TC–15 in the same manner as prescribed in subparagraph (1) of this paragraph, authorizing the exportation of gold in any form for refining or processing subject to the condition that the refined or processed gold (or the equivalent in refined or processed gold) be returned to the United States, or subject to such other conditions as the Director may prescribe.

§ 54.26 *Investigations; records; subpoenas.* (a) The Director of the Mint is authorized to make or cause to be made such studies and investigations, to conduct such hearings, and to obtain such information as the Director deems necessary or proper to assist in the consideration of any applications for licenses, or in the administration and enforcement of the acts, the orders, and the regulations in this part.

(b) Every person holding a license issued under paragraph (a) of § 54.25, or acquiring, holding or disposing of gold pursuant to the authorizations in §§ 54.18 and 54.21, shall keep full and accurate records of all his operations and transactions with respect to gold, and such records shall be available for examination by a representative of the Treasury Department until the end of the third calendar year (or if such person's accounts are kept on a fiscal year basis, until the end of the third fiscal year) following such operations or transactions. The records required to be kept by this section shall include the name, address, and Treasury gold license num-

ber of each person from whom gold is acquired or to whom gold is delivered, and the amount, date, description and purchase or sales price of each such acquisition and delivery, and any other records or papers required to be kept by the terms of a Treasury Department gold license. If the person from whom gold is acquired, or to whom gold is delivered, does not have a Treasury gold license such records shall show, in lieu of the license number of such person, the section of the regulations in this part pursuant to which such gold was held or acquired by such person. Such records shall also show all costs and expenses entering into the computation of the total domestic value of articles of fabricated or semi-processed gold as defined in § 54.4.

(c) The Director of the Mint (or the officers and employees of the Bureau of the Mint specifically designated by the Director) or any department or agency charged with the enforcement of the acts, the orders, or the regulations in this part, may require any person to permit the inspection and copying of records and other documents and the inspection of inventories of gold and to furnish, under oath or affirmation or otherwise, complete information relative to any transaction referred to in the acts, the orders, or the regulations in this part involving gold or articles manufactured from gold. The records which may be required to be furnished shall include any records required to be kept by this section and, to the extent that the production of such information is necessary and appropriate to the enforcement of the provisions of the acts, the orders, and the regulations in this part, or licenses issued thereunder, any other records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, papers and drafts, and copies thereof, either before or after the completion of the transaction to which such records refer.

(d) The Director of the Mint may administer oaths and affirmations and may, whenever necessary, require any person holding a license under § 54.25 or acquiring, holding or disposing of gold pursuant to the authorizations of §§ 54.18 or 54.21, or any officer, director, or employee of such person, to appear and testify or to appear and produce any of the records specified in paragraph (c) of this section or both, at any designated place.

§ 54.27 *Reports.* Every person holding a license issued pursuant to paragraph (a) of § 54.25 shall make quarterly reports on the appropriate report form specified in such license for the quarterly periods ending on the last days of March, June, September, and December, respectively, and shall file such reports with the Director of the Mint, Treasury Department, Washington 25, D. C. Reports shall be filed within a certain number of days after the termination of the quarterly period for which such reports are made, as specified in the report form.

SUBPART D—GOLD FOR THE PURPOSE OF SETTLING INTERNATIONAL BALANCES AND FOR OTHER PURPOSES

§ 54.28 *Acquisitions by Federal Reserve banks for purposes of settling international balances, etc.* The Federal Reserve banks may from time to time acquire from the United States by redemption of gold certificates in accordance with section 6 of the Gold Reserve Act of 1934, such amounts of gold bullion as, in the judgment of the Secretary of the Treasury, are necessary to settle international balances or to maintain the equal purchasing power of every kind of currency of the United States. Such banks may also acquire gold (other than United States gold coin) abroad or from private sources within the United States.

§ 54.29 *Dispositions by Federal Reserve banks.* The gold acquired under § 54.28 may be held, transported, imported, exported, or earmarked for the purposes of settling international balances or maintaining the equal purchasing power of every kind of currency of the United States: *Provided*, That if the gold is not used for such purposes within 6 months from the date of acquisition, it shall (unless the Secretary of the Treasury shall have extended the period within which such gold may be so held) be paid and delivered to the Treasurer of the United States against payment therefor by credits in equivalent amounts in dollars in the accounts authorized under the sixteenth paragraph of section 16 of the Federal Reserve Act, as amended (48 Stat. 339; 12 U. S. C. 467).

§ 54.30 *Provisions limited to Federal Reserve banks.* The provisions of this subpart shall not be construed to permit any person subject to the jurisdiction of the United States, other than a Federal Reserve bank, to acquire gold for the purposes specified in this subpart or to permit any person to acquire gold from a Federal Reserve bank except to the extent that his license issued under this part specifically so provides.

SUBPART E—GOLD FOR OTHER PURPOSES NOT INCONSISTENT WITH THE PURPOSES OF THE GOLD RESERVE ACT OF 1934 AND THE ACT OF OCTOBER 6, 1917, AS AMENDED

§ 54.31 *Licenses required.* Gold may be acquired and held, transported, melted or treated, imported, exported, or earmarked for purposes other than those specified in §§ 54.21 to 54.30, inclusive, not inconsistent with the purposes of the Acts only to the extent permitted in §§ 54.12 to 54.20 inclusive, or under a license issued under §§ 54.32, 54.33 or 54.34.

§ 54.32 *Gold imported in gold-bearing materials for re-export.* The United States assay office at New York or the United States mint at San Francisco, with the approval of the Director of the Mint, shall issue licenses on Form TGL–16 authorizing the exportation of gold refined (or the equivalent to gold refined) from gold-bearing materials imported into the United States for refining and re-export to the foreign exporter, or pursuant to his order, subject to the following provisions:

(a) The Director and such assay office or mint are satisfied that:

(1) The imported gold-bearing material either (i) was imported into the United States from a foreign resident or a foreign organization, or (ii) was mined by a branch or other office of a United States organization and imported into the United States from such branch or office;

(2) The importer has no right, title, or interest in the gold refined from the imported gold-bearing material other than through its branch or office which is the foreign exporter as provided in subparagraph (1) (ii) of this paragraph, and the importer will not participate in the sale of such refined gold or receive any commission in connection with the sale of such refined gold;

(3) The refined gold is to be re-exported to the foreign exporter or, pursuant to his order, to a foreign resident or foreign organization; and

(4) The exportation of the gold-bearing material from the country of origin and the importation of the refined gold into the country or countries of importation are authorized under the applicable laws and regulations of such countries;

(b) Such gold is imported, acquired, and held, transported, melted and treated as permitted in §§ 54.12 to 54.20, inclusive, or in accordance with a license issued under § 54.32 and subject to the following provisions:

(1) *Notation upon entry.* Upon the formal entry into the United States of any gold-bearing materials, the importer shall declare to the collector of customs at the port where the material is formally entered that the importation is made with the intention of exporting the gold refined therefrom to the foreign exporter, or pursuant to his order. The collector shall make on the entry a notation to this effect and forward a copy of the entry to the United States assay office at New York or to the United States mint at San Francisco, whichever is designated by the importer.

(2) *Sampling and assaying.* Promptly upon the receipt of each importation of gold-bearing material at the plant where it is first to be treated, it shall be weighed, sampled, and assayed for the gold content. A reserve commercial sample shall be retained by such plant for at least 1 year from the date of importation, unless the assay is sooner verified by the Bureau of the Mint.

(3) *Plant records.* The importer shall cause an exact record, covering each importation, to be kept at the plant of first treatment. The records shall show the gross wet weight of the importation, the weight of containers, if any, the net wet weight, the percentage and weight of moisture, the net dry weight, and the gold content shown by the settlement assay. An attested copy of such record shall be filed promptly with the assay office at New York or the mint at San Francisco, whichever has been designated to receive a copy of the entry. The plant records herein required to be kept shall be available for examination by a representative of the Treasury Department for at least 1 year

after the date of the disposition of such gold.

(4) *Application for export license.* Not later than 3 months from the date of entry the importer shall file with the New York assay office or the mint at San Francisco, whichever has been designated to receive a copy of the entry, an application on form TG–16 for a permit to export refined gold not in excess of the amount shown by the settlement sheet covering the importation. The application shall be accompanied by two duly attested copies of the settlement sheet.

(5) *Issuance of export license.* If the application indicates that the refined gold is to be exported forthwith upon issuance of a license, the assay office or mint, if satisfied that the data shown on such application is accurate and that the provisions of this section have been otherwise complied with, shall, with the approval of the Director of the Mint, issue to the importer an export license or licenses on form TGL–16 to export refined gold in a total amount not exceeding the amount specified in the settlement sheet.

(6) *Issuance of serial numbered certificates.* Upon request of the applicant, or in any case where the application indicates that the refined gold is not to be exported forthwith, the assay office or mint shall issue to the importer a dated serial numbered certificate which shall show the amount of gold specified in the application and the amount specified in the settlement sheet. Upon delivery of the dated serial numbered certificate to the assay office at New York or to the mint at San Francisco, whichever issued the certificate, not later than 120 days from the date of issuance, the assay office or mint shall issue to the importer an export license or licenses in the same manner as prescribed in subparagraph (5) of this paragraph.

(7) *Exportation prior to receipt of settlement sheet.* Upon a showing in the application that an exportation with respect to any gold-bearing materials imported into the United States for refining is necessary prior to the time the settlement sheet can be procured, the assay office at New York or the mint at San Francisco, whichever was designated by the importer, may receive the application with duplicate certified copies of the report of the applicant's actual test assay. If prior reports of such applicant have been approximately substantiated by the settlement sheets, a license or licenses may be granted to export up to 90 per cent of the amount of gold which such report estimates will be realized from such gold-bearing materials.

(8) *Number of licenses to be issued.* No more than three licenses will be issued in connection with each importation of gold-bearing material.

§ 54.33 *Gold imported for re-export*[3]—(a) *Exportation promptly without license.* Gold may be imported and transported for prompt export, and exported without the necessity of holding a license, provided the gold is, in fact exported promptly and remains under customs custody throughout the period during which it is within the customs limits of the United States. Upon the arrival in the United States of gold imported for re-export pursuant to the provisions of this section, the importer shall declare to the collector of customs at the port of entry that it will be re-exported promptly. The collector of customs shall make a notation of this declaration upon the entry and forward a copy of the entry to the Director of the Mint.

(b) *Exportation pursuant to license.* In the event that the export of any gold imported pursuant to this section is delayed due to the unavailability of facilities for the onward transportation of such gold, the Director of the Mint may, subject to the following provisions, issue licenses on form TGL–17 authorizing the importation, holding, transportation, and exportation of gold which the Director is satisfied is, in fact, imported for re-export promptly upon the completion of necessary arrangements for the transportation of such gold.

(1) Every application for a license under this section shall be made on form TG–17 and shall be filed with the Director of the Mint.

(2) Upon receipt of the application and after making such investigation of the case as may be deemed advisable, the Director of the Mint, if satisfied that the gold was, in fact, imported for re-export promptly upon the completion of necessary arrangements for the transportation of such gold, shall issue to the applicant a license on form TGL–17.

§ 54.34 *Licenses for other purposes.* The Secretary of the Treasury, with the approval of the President, shall issue licenses authorizing the acquisition, transportation, melting or treating, importing, exporting, or earmarking of gold, for purposes other than those specified in §§ 54.21 to 54.30, inclusive, 54.32 and 54.33, which, in the judgment of the Secretary of the Treasury, are not inconsistent with the purposes of the acts, subject to the following provisions:

(a) *Applications.* Every application for a license under this section shall be made on form TG–18 and shall be filed in duplicate with the Federal Reserve bank for the district in which the applicant resides or has his principal place of business. Upon receipt of the application and after making such investigation of the case as it may deem advisable, the Federal Reserve bank shall transmit to the Secretary of the Treasury the original of the application, together with any supplemental information it may deem appropriate. The Federal Reserve bank shall retain the duplicate of the application for its records.

(b) *Licenses.* If the issuance of a license is approved, the Federal Reserve bank which received and transmitted the application will be advised by the Secretary of the Treasury and directed to issue a license on form TGL–18. If a license is denied, the Federal Reserve bank will be so advised and shall immediately notify the applicant. The decision of the Secretary of the Treasury with respect to the granting or denying of a license shall be final. If a license is granted, the Federal Reserve bank shall thereupon note upon the duplicate of the application therefor, the date of approval and issuance and the amount of gold specified in such license.

(c) *Reports.* Within 7 business days of the date of disposition of the gold acquired or held under a license issued under this section, or within 7 business days of the date of export, if such exportation is authorized, the licensee shall file a report in duplicate on form TGR–18 with the Federal Reserve bank through which the license was issued. Upon receipt of such report, the Federal Reserve bank shall transmit the original thereof to the Secretary of the Treasury, and retain the duplicate for its records.

SUBPART F—PURCHASE OF GOLD BY MINTS

§ 54.35 *Purchase by mints.* The mints, subject to the conditions specified in the regulations in this part, particularly § 54.36 to § 54.43, and the general regulations governing the mints, are authorized to purchase:

(a) Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof, which shall not have entered into monetary or industrial, professional, or artistic use, including gold contained in deposits of newly mined domestic silver;

(b) Gold contained in deposits of silver eligible for deposit at a mint for return in bar form;

(c) Scrap gold as defined in § 54.4;

(d) Gold refined from sweeps purchased from a United States mint;

(e) Gold (other than United States gold coin) imported into the United States after January 30, 1934;

(f) Gold refined (or the equivalent to gold refined) from imported gold-bearing material; and

(g) Such other gold (other than United States gold coin or gold derived therefrom) as may be authorized from time to time by rulings of the Secretary of the Treasury.

Provided, however, That no gold shall be purchased by any mint under the provisions of this subpart which, in the opinion of the mint, has been held at any time in noncompliance with the acts, the orders, or any regulations, rulings, instructions, or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder.[4]

§ 54.36 *Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof, including gold contained in deposits of newly mined domestic silver.* (a) The mints may purchase gold under § 54.35

[3] Attention is directed to Order No. 4 of the Foreign Trade Zones Board (4 F. R. 541; 15 CFR 400.803a) which is applicable to gold.

[4] Gold which has been so held in noncompliance with section 3 of the act of March 9, 1933 or the order of the Secretary of the Treasury of December 28, 1933 may, however, be purchased in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934 (31 CFR 53.1) subject to the rights reserved in such Instructions and at the price stated therein.

(a) only if the deposit of such gold is accompanied by a properly executed statement as follows:

(1) A statement on form TG–19 shall be filed with each delivery of gold by persons who have recovered such gold by mining or panning in the United States or any place subject to the jurisdiction thereof.

(2) A statement on form TG–20 shall be filed with each delivery of gold by persons who have recovered such gold from gold-bearing materials in the regular course of their business of operating a custom mill, smelter, or refinery.

(3) A statement on form TG–21 together with a statement giving the names of the persons from whom gold was purchased, the amount and description of each lot of gold purchased, the location of the mine or placer deposit from which each lot was taken, and the period within which such gold was taken from the mine or placer deposit, shall be filed with each such delivery of gold by persons who have purchased such gold directly from the persons who have mined or panned such gold.

(b) In addition, the depositors shall show that the gold was acquired, held, melted and treated, and transported by them in accordance with a license issued pursuant to § 54.25 or that such acquisition, holding, melting and treating, and transportation is permitted under §§ 54.12 to 54.20, inclusive, without the necessity of holding a license.

§ 54.37 *Gold contained in deposits of silver.* Gold contained in deposits of silver, eligible at a mint for return in bar form, may be purchased by the mints: *Provided,* That such silver contains not less than 600 parts of silver in 1,000 and not more than 10 parts of gold in 1,000: *Provided, further,* That the gold was not mixed with such silver for the purposes of selling gold to the United States which was not eligible for purchase by the United States under paragraphs (a), (c), (d), (e), or (f) of § 54.35.

§ 54.38 *Scrap gold.* Deposits of scrap gold must be accompanied by a statement executed on form TG–22. In addition the depositors of such gold shall establish to the satisfaction of the mint that the gold was acquired, held, and transported by them in accordance with the regulations in this part or a license issued pursuant thereto.

§ 54.39 *Gold refined from sweeps purchased from a United States mint.* Gold refined from sweeps purchased from a United States mint shall be purchased only if the deposit of such gold is accompanied by a statement executed on form TG–28.

§ 54.40 *Imported gold.* Except for gold which may be purchased in accordance with the provisions of § 54.41, the mints are authorized to purchase only such gold imported into the United States as has been in customs custody throughout the period in which is shall have been situated within the customs limits of the continental United States, and then only subject to the following provisions:

(a) *Notation upon entry.* Upon formal entry into the United States of any gold intended for sale to a mint under this subpart, the importer shall declare to the collector of customs at the port of entry where the gold is formally entered that the gold is entered for such sale. The collector shall make a notation of this declaration upon the entry and forward a copy to the mint designated by the importer.

(b) *Statement by importer.* Upon the deposit of the gold with the mint designated by the importer, the importer shall file a statement executed in duplicate on form TG–23.

§ 54.41 *Gold refined from imported gold-bearing material.* The mints are authorized to purchase gold refined (or the equivalent to gold refined) from gold-bearing material which has been either imported into the United States pursuant to a license issued under paragraph (a) of § 54.25 for sale of the gold derived therefrom to a designated mint, or imported into the United States under § 54.32 (notwithstanding the declaration made by the importer upon the entry into the United States of such gold-bearing material as required by § 54.32 (b)), whether or not such gold or gold-bearing material has been in customs custody throughout the period it has been in the customs limits of the continental United States, subject to the following provisions:

(a) In the case of gold-bearing material imported pursuant to license issued under paragraph (a) of § 54.25, the importer shall declare to the collector of customs at the port of entry that the gold-bearing material is being imported for sale of the gold refined therefrom to a designated mint; the collector shall make on the entry a notation to this effect and forward a copy thereof to the mint designated by the importer.

(b) In the case of gold-bearing material imported under § 54.32, if the gold refined therefrom is offered to a mint other than the mint at San Francisco or the assay office at New York, the importer shall have caused the copy of the entry described in § 54.32 (b) to be forwarded to the mint to which he is offering the gold for sale.

(c) Before any gold may be purchased under this section, the requirements of § 54.32 (b) (2) and (3) must be shown to have been complied with: *Provided, however,* That any person importing gold-bearing materials for sale of the gold refined therefrom to a mint other than the mint at San Francisco or the assay office at New York shall have caused the attested copy of the record described in § 54.32 (b) (3) to be forwarded to the mint to which he is offering the gold for sale.

(d) Upon presentation of the gold to a mint or assay office for purchase, the importer shall file a statement executed in duplicate on form TG–26, together with two duly attested copies of the settlement sheet covering the gold-bearing material imported.

(e) No gold shall be accepted for purchase under authority of this paragraph unless it is delivered to the mint and all of the terms hereof complied with within seven months from the date of the formal entry into the United States of the gold-bearing material from which it was extracted.

§ 54.42 *Deposits.* Deposits of gold described in § 54.35 and rulings issued thereunder will be received in amounts of not less than 1 troy ounce of fine gold when deposited in the following forms: Nuggets, grains, and dust which are in their native state free from earth and stone, or nearly so, retort sponge, lumps, coins, bars, kings, buttons, and scrap gold as defined in § 54.4. Deposits of gold shall not contain less than 200 parts of gold in 1,000 by assay. In the case of gold forwarded to a mint by mail or express, a letter of transmittal shall be sent with each package. When there is a material discrepancy between the actual and invoice weights of a deposit, further action in regard to it will be deferred pending communication with the depositor.

§ 54.43 *Rejection of gold by mint.* Deposits of gold which do not conform to the requirements of §§ 54.35 to 54.42, inclusive, or which otherwise are unsuitable for mint treatment shall be rejected and returned to the person delivering the same at his risk and expense. The mints shall not purchase gold under the provisions of this subpart from any person who has failed to comply with the regulations in this part or the terms of a Treasury gold license. Any deposit of gold which has been held in noncompliance with the acts, the orders, or any regulations, rulings, instructions or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder, may be held subject to the penalties provided in § 54.11 or section 3 of the act of March 9, 1933.

§ 54.44 *Purchase price.* The mints shall pay for all gold purchased by them in accordance with this subpart $35.00 (less one fourth of 1 percent) per troy ounce of fine gold, but shall retain from such purchase price an amount equal to all mint charges. This price may be changed by the Secretary of the Treasury without notice other than by notice of such change mailed or telegraphed to the mints.

SUBPART G—SALE OF GOLD BY MINTS

§ 54.51 *Authorization to sell gold.* Each mint is authorized to sell gold to persons holding licenses issued pursuant to § 54.25, or to persons authorized under § 54.21 to acquire such gold for use in industry, profession, or art: *Provided, however,* That except in justified cases, no mint may sell gold to any person in an amount which, in the opinion of such mint, exceeds the amount actually required by such person for a period of 3 months. Prior to the sale of any gold under this subpart, the mint shall require the purchaser to execute and file in duplicate a statement on form TG–24, or, if such purchaser is in the business of furnishing gold for use in industries, professions, and arts, on form TG–25. The mints are authorized to refuse to sell gold in amounts less than 25 ounces, and shall not sell gold under the provi-

sions of this subpart to any person who has failed to comply with the regulations in this part or the terms of his license.

§ 54.52 *Sale price.* The mints shall charge for all gold sold under this article $35.00 (plus one fourth of 1 percent) per troy ounce of fine gold plus the regular mint charges. This price may be changed by the Secretary of the Treasury without notice other than by notice of such change mailed or telegraphed to the mints.

SUBPART H—INSTRUCTIONS ISSUED PURSUANT TO § 54.8 (b) OF THE REGULATIONS IN THIS PART

§ 54.60 *Gold exported from Mexico.*

To Collectors of Customs in the Continental United States:

Pursuant to the provisions of § 54.8 (a) [now § 54.8 (b)] of the regulations issued under the Gold Reserve Act of 1934, you are hereby instructed, effective immediately, and regardless of whether said regulations are otherwise complied with, to refuse entry into the continental United States of gold in any form (including gold in its natural state) exported from Mexico, unless there is filed with you a certificate, duly certified by an officer of the Mexican Government, to the effect that such gold was or may be lawfully exported from Mexico. However, these instructions do not apply to

(1) "Fabricated gold" as defined in said regulations.

(2) Any substance, including gold in its natural state, which you are satisfied, after the filing of an appropriate affidavit by the importer, does not contain more than 5 troy ounces of fine gold per short ton.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT,
The White House, March 11, 1937.

SUBPART I—TRANSITORY PROVISIONS

§ 54.70 *Legal effect of amendment of regulations.* This amendment of the Gold Regulations shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil or criminal cause prior to the effective date of this amendment but all such liabilities shall continue and may be enforced as if said amendment had not been made.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9472; Filed, Aug. 28, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 30]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 30—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the North Texas Milk Marketing Area on sales of fluid milk products within that area by processors, distributors, and operators of receiving plants. Sales of milk products not covered by this regulation remain subject to the provisions of the General Ceiling Price Regulation.

The marketing area was determined after considering all relevant factors such as places where milk is processed and utilized, the places where milk in the area originates, and local ordinances or state statutes dealing with health standards in the localities involved.

This regulation provides uniform dollar and cent ceiling prices. They have been determined by taking prices in effect during the period January through June 1950, and adding increases and deducting decreases in cost per sales point of (1) raw milk and other agricultural commodities or products processed therefrom which are ingredients of milk products, (2) direct labor (including distribution labor and commissions), and (3) containers, cans and cases. Changes in marketing practices which have occurred since the base period were also considered. The regulation was issued on the basis of data found to be representative of the operations in the marketing area.

This regulation indicates the price for raw milk upon which the adjustments in ceiling prices are based. This producer price is to be the basis for computing future parity adjustments.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products when sold in the North Texas Milk Marketing Area on a home-delivered and store-delivered basis. It provides adjusted uniform ceiling prices for the listed milk products in designated types and sizes of containers. It also provides a method for determining ceiling prices for the listed products sold in containers of other types and sizes and to other classes of purchasers, as well as ceiling prices of unlisted products.

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to the North Texas Milk Marketing Area. The North Texas Milk Marketing Area is identical with the North Texas Marketing Area established by Federal Order No. 43 (16 F. R. 8420) of the Production and Marketing Administration of the United States Department of Agriculture. The North Texas Milk Marketing Area is composed of the following Texas counties:

Cooke	Hopkins
Collin	Hunt
Dallas	Johnson
Delta	Kaufman
Denton	Lamar
Ellis	Parker
Fannin	Rockwall
Grayson	Tarrant.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, dis-

tributors, and operators of receiving plants. This regulation is not applicable to sales by retail stores which remain subject to the General Ceiling Price Regulation. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to the General Ceiling Price Regulation. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

SEC. 4. *Ceiling prices of listed items for processors and distributors.* Your ceiling prices for the listed milk products for fluid consumption in the designated types and sizes of containers are set forth below:

Products and container type	Home-delivered, cents per—				Delivered to the store, cents per—			
	½ gallon	Quart	Pint	½ pint	½ gallon	Quart	Pint	½ pint
Homogenized milk, glass and paper	53	27	.....	.....	47	24	12.5	6.25
Regular milk, glass and paper	53	27	.....	.....	47	24	12.5	6.25
Buttermilk, glass and paper	43	22	.....	.....	39	20	10	5.25
Skim milk, glass and paper	38	19	.....	.....	33	17	.....	.....
Whipping cream, glass and paper (butterfat content 32 percent or more)	.....	131	68	35	.....	114	60	31
Light cream, glass and paper (butterfat content 18 to 31 percent)	.....	85	45	23	.....	77	39	20
Half and half, glass and paper	.....	59	32	17	.....	54	28	14
Chocolate drink, glass and paper	.....	25	14	.....	.....	22	12	6.25
Chocolate milk, glass and paper (butterfat content over 3.25 percent)	53	27	.....	.....	47	24	12.5	6.25
Premium test milk, glass and paper (butterfat content over 4 percent)	59	30	.....	.....	53	27	14	.....

Product:	*Wholesale, cents per gallon in bulk*
Homogenized milk	93
Regular milk	93
Buttermilk	77
Heavy cream (butterfat content 32 percent or more)	450
Coffee cream (butterfat content 18 to 31 percent)	300
Half and half	210
Skim milk	65

SEC. 5. *Ceiling Prices of unlisted items for processors and distributors*—(a) *Listed products in unlisted types of sizes, or unlisted types and sizes of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, or an unlisted type and size, shall be the ceiling price listed in section 4 of this regulation for a comparison item, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar; first, as to size; and, second, as to type, and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Listed products sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation to an unlisted class of purchaser is the ceiling price listed in section 4 of this regulation for the same product in the same container type and size delivered to the store, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of this product delivered to the store and this product delivered to the unlisted class of purchaser, the container being of the same type and size.

(c) *Listed products in unlisted types and sizes of containers and sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation which is packed in a container of an unlisted type and size (or either type or size) and is sold to an unlisted class of purchaser, shall be the ceiling price for a comparison item listed in section 4 of this regulation, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product as the item for which you are determining a ceiling price packed in the container most similar; first, as to size; and, second, as to type and delivered to the same class of purchaser; or, if the sale is to an unlisted class of purchaser, then delivered to the store.

(d) *Unlisted products.* Your ceiling price for a product which is not listed in section 4 of this regulation, shall be the ceiling price for a comparison item listed in section 4 of this regulation, adjusted by dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of your comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product listed in section 4 of this regulation, most similar in composition as to butterfat and other ingredients, packed in the container most similar; first, as to size; and, second, as to type, and delivered to the same class of purchaser as the item for which you are determining a ceiling price, or if the sale is to an unlisted class of purchaser, then delivered to the store.

(e) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 of this regulation, must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(f) *Reporting of differentials and prices resulting therefrom.* You shall report the ceiling prices computed pursuant to paragraphs (a) through (e) of this section and the differentials used in determining these ceiling prices to the Regional Director of the Office of Price Stabilization, 3306 Main Street, Dallas, Texas, by registered mail, return receipt requested, within five days after the effective date of this regulation. This report shall be filed on OPS Public Form 123 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section until the Office of Price Stabilization has received the report required by this paragraph (f) as shown by your return postal receipt.

(g) *Modification of proposed ceiling prices by Regional Director of Price Stabilization.* The Regional Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section 5 so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5 of this regulation your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the Regional Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling prices.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and, if so, the trade name and address of each such establishment. Your report should also include the following:

(1) If you are a processor: A description of the product you are pricing; the

processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) If you are a distributor: A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122 which may be obtained from the Regional Office of the Office of Price Stabilization which issued this regulation.

SEC. 7. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5, and 6 of this regulation you must apply to the Regional Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c), (1) or 6 (c) (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The adjusted ceiling prices used in this regulation are based on a Class I price of $7.04 per hundredweight for 4 percent raw milk f. o. b. the plant.

(b) Producer prices specified in section 8 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the GCPR.

(c) After the determination of your ceiling price under either section 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transfer shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 11. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 12. *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective as of August 21, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ALFRED L. SEELYE,
Regional Director, Region X,
Office of Price Stabilization.

AUGUST 27, 1952.

[F. R. Doc. 52-9529; Filed, Aug. 27, 1952; 10:55 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 31]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 31—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE FALL RIVER, MASSACHUSETTS, MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at various levels of production and distribution was an emergency measure made imperative by the urgency of

bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective authorizing adjustments of ceiling prices for milk products for fluid consumption for individual marketing areas by issuance of area milk price regulations.

Pursuant to this authority, as delegated, this area milk price regulation establishes ceiling prices for certain sales by processors and distributors of milk and cream items in the Fall River Milk Marketing Area. This area includes portions of the county of Bristol.

The regulation covers retail and wholesale sales of milk and cream by processors and distributors. Such sales are covered when made to a purchaser whose establishment is located in the area, unless the products are to be resold outside the area.

Sales of such products to a purchaser whose establishment is located outside the area are not covered, unless those products are resold by the purchaser inside the area. The only milk products for fluid consumption covered by this regulation are "milk" and "cream" items as these terms are defined in Section 17 of the regulation. In general these terms include most milk products for fluid consumption except cheese. Sales by receiving plants and by retail stores are not covered by this regulation because they present different problems. Milk products and sales not covered by this regulation remain under the General Ceiling Price Regulation.

The important factors determining the boundaries of the area are:

(1) The area is a homogenous industrial and agricultural area, all within a radius of about 10 miles.

(2) All of this area is substantially on the same producer price basis. The producer prices are determined either by the Federal Milk Market Administrator or by the Massachusetts Milk Control Board. Historically, producer prices have been adjusted by the same amount at the same time; and differentials between producers in these areas have remained constant.

(3) Some milk is derived from farmers in these areas; some from processors who operate their own farms from which milk is produced; and some of the milk is procured from out-of-state sources.

(4) The milk is processed at local plants in the area under similar conditions and the distribution and marketing pattern is quite similar throughout this area.

(5) It does not appear that this area conflicts with the boundaries of other marketing areas for which area milk price regulations have been or may be issued under SR 63 to the GCPR.

(6) Individual processors and distributors covered by this regulation have proposed this marketing area in their petitions and in their discussions with this office.

The uniform adjustment method is used in this regulation instead of the method of establishing uniform dollars-and-cents ceiling prices because selling prices in the area historically have not been completely uniform. It was thought best to maintain these individual price differences in establishing ceilings.

In general, a seller determines his ceiling price to a class of purchaser under this regulation by applying a uniform adjustment to the highest price he charged that class of purchaser for a milk or cream item in the period December 19, 1950, through January 25, 1951. For sales of each such product in the basic container size, a uniform adjustment is specifically listed. For sales of each such product in other sizes, a uniform adjustment is provided which is in the same relationship to the uniform adjustment listed for the applicable basic container size as the other size is to such basic container size.

The uniform adjustments were based on an examination of the differences between the pre-Korean period and a current period of the following costs: direct labor, container and raw materials. There was also an examination of any price increases between the pre-Korean period and the GCPR base period that may have compensated for any such cost increases.

The producer price specified for Class I, 3.7 percent butterfat milk, is that announced for the month of July 1952, by the Federal Milk Market Administrator for Area 19A, $6.46 per hundredweight, and by the Massachusetts Milk Control Board for Area 19B, $6.27 per hundredweight.

The weighted average price of 40 percent bottling quality cream f. o. b. Boston is that announced for the month of July 1952 by the Federal Milk Market Administrator, $32.326 per 40-quart can. These specified prices will be used as the basis for computing future raw material cost changes in determining ceiling prices upward and downward. If the most recently officially announced price for milk or cream exceeds the price specified therefor in this regulation, upward adjustments of ceiling prices are permitted; if that price is less than the price so specified, downward adjustments must be made.

Petitions submitted by processors and distributors operating in the area and accounting for a substantial majority of the total volume of milk sold in that area were received from a representative sample of large, medium, and small sellers. Of a total volume of about 10,800,000 sales points of milk products sold in the area in the base period January 1–June 30, 1950, these petitioners handled about 7,250,000, or about 67 percent of that volume.

Calculations were based on information presented by the petitioners; and accounting audits and spot checks were carefully made to determine the accuracy of costs, sales and volume figures contained in the petition.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of the Region I Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of the Region I Office of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Region I Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices for certain sales of certain milk products for fluid consumption in the Fall River milk marketing area by establishing uniform adjustments to be applied by each seller to the highest price he charged a particular class of purchaser for each such product during the period December 19, 1950 through January 25, 1951.

SEC. 2. *Description of the Fall River Milk Marketing Area.* When used in this regulation, the word "area" means the Fall River Milk Marketing Area. This area consists of the following localities in the Commonwealth of Massachusetts, namely: the city of Fall River, the towns of Somerset and Swansea, and that portion of the town of Westport lying west of the line running midway between Drift and Pine Hill Roads, all in the County of Bristol.

SEC. 3. *Sellers and sales covered by this regulation.* This regulation covers retail and wholesale sales of milk and cream by processors and distributors,

This regulation covers all such sales to a purchaser whose establishment is located inside the area, except as to sales where such purchaser has certified in writing to the seller that the products will be resold outside the area. It does not cover any such sales to a purchaser whose establishment is located outside the area, unless he resells those products inside the area.

SEC. 4. *Ceiling price adjustments.* Your ceiling price for the sale of a milk or cream item to a particular class of purchaser shall be the highest price you charged that purchaser for the item during the period December 19, 1950, through January 25, 1951, adjusted by a uniform adjustment in accordance with the applicable provisions of this section.

(a) *Basic container sizes.* The uniform adjustments for all milk and cream items in basic container sizes shall be as shown in the following table:

Product	Basic container size	Uniform adjustment (in cents) retail and wholesale sales
Milk	Quart	0.5
Heavy cream (above 34 percent butterfat)	½ pint	1.5
Light cream (16-34 percent butterfat)	do	1.0

(b) *Other sizes.* The uniform adjustment for each milk or cream item packaged in a container of a size other than the basic container size applicable to the particular product shall be an amount which is in the same relationship to the uniform adjustment applicable to the basic container size as the other size is to the basic size. Examples of an adjustment for other container sizes are included under section 5 of this regulation.

SEC. 5. *Adjustments for raw material cost changes.* Your ceiling prices as established by section 4 of this regulation, or pursuant to a letter order issued under section 7 of this regulation, shall be adjusted to reflect future changes in raw material costs of milk and cream. Such adjustments are also subject to the "rounding" provisions of section 6 of this regulation.

(a) *Specified prices.* Ceiling prices determined pursuant to section 4 of this regulation are predicated upon the following specified prices for July 1952: Class I milk price per hundredweight containing 3.7 percent butterfat, payable to producers, as announced (1) by the Federal Milk Market Administrator for Area 19A $6.46 and (2) by the Massachusetts Milk Control Board for Area 19B $6.27.

Weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as announced by the Federal Milk Market Administrator $32.326.

(b) *Changes from specified prices; basic sizes.* If the most recently officially announced price of a product specified in paragraph (a) of this section is higher than the specified price, you may increase your ceiling price for each applicable milk or cream item by an equivalent rate per unit. If the most recently officially announced price is lower than the specified price you must decrease your ceiling price for each such item by the equivalent rate per unit.

(A price announced by the Federal Milk Market Administrator or by the Massachusetts Milk Control Board is an officially announced price).

Example No. 1. You are a processor or distributor of milk in quart containers. The price of $6.46 per hundredweight specified for Class I milk in paragraph (a) of this section is later increased to $6.90 per hundredweight. Subtract $6.46 from $6.90 and divide the difference of $0.44 by 46.5 (the number of quarts in 100 pounds of milk). The equivalent rate of increase per quart of milk is therefore $0.946 cent per quart.

Example No. 2. You are a processor or distributor of heavy and light cream in half-pint containers. The price of $32.326 for a 40-quart can of 40 percent cream specified in paragrah (a) of this section is later increased to $35.326. Subtract $32.326 from $35.326 and divide the result of $3.00 by the particular divisor shown below for each of these items, to obtain the indicated adjustment. In each case, the divisor represents the number of ½ pints which would contain the same quantity of butterfat as a 40-quart can of 40 percent cream. It is to be assumed that the respective grades of cream contain the indicated percentages of butterfat.

Item	Divisor	Adjustment (in cents)
½ pint heavy cream (40 percent)	160	1.875
½ pint light cream (20 percent)	320	.9375

(c) *Changes from specified prices; other sizes.* Adjustments of ceiling prices of milk and cream items packaged in container sizes other than the basic container sizes, and due to changes from specified prices, shall be calculated as follows: First, calculate the adjustment for the basic container size, in accordance with paragraph (b) of this section. Then, apply the "rounding" provisions of section 6 (a) of this regulation for the basic container size. The adjustment for each item packaged in a size other than the basic container size shall be in the same relationship to the "rounded" adjustment as the other size is to the basic container size.

Example: You are a processor or distributor of milk in ½ pint and 8-quart containers and of light cream in quarts. The price changes referred to in Examples No. 1 and No. 2 in paragraph (b) of this section take place. The further calculations are:

Product	Rounded adjustment for basic container size (in cents)	Adjustment for other size (in cents)
Milk	1.0 per quart	0.25 per ½ pint; 8.0 per 8-quart can.
Light cream	1.0 per ½ pint	4.0 per quart.

SEC. 6. *Rounding of fractions.* If, in computing an adjusted ceiling price pursuant to section 5 of this regulation, you arrive at a unit price which includes a fraction of a cent, you may increase and you must decrease it to the nearest ½ cent per quart of milk and per ½ pint of cream in accordance with the following table:

Increase or decrease from specified price (in cents):	*Increase or decrease in ceiling price (in cents)*
Up to 0.250	0
0.251 to 0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction or during a customary billing period, after rounding of fractions in unit prices as provided in paragraph (a) of this section, shall be dropped if less than ½ cent and may be increased to the next higher cent if ½ cent or more.

SEC. 7. *Sellers who cannot price under other sections.* This section applies to you, if you are unable to establish a ceiling price for the sale of a milk or cream item either because you did not sell that item during the period December 19, 1950 through January 25, 1951, or for any other reason. In such case you may, in writing, apply to the Region I Office of the Office of Price Stabilization for a determination of the ceiling price for the sale of that item. The application shall be sent by registered mail, return receipt requested, directed to the Region I Office of the Office of Price Stabilization, Boston 9, Massachusetts, and shall contain (1) an explanation of why you are unable to determine the ceiling price for that item, (2) your proposed price therefor, and the reason you believe that price is in line with the level of ceiling prices otherwise established by this regulation; and shall contain the following further information applicable to you:

(a) If you are a processor or a processor-distributor: (1) A description of the raw and other materials of which the item is composed, and the current direct unit cost of such materials; (2) the size and type of container and the current cost thereof; and (3) the total direct labor cost for that item. If you have a ceiling price under this regulation for a "comparison item", as that term is defined in section 17 (c) of this regulation, your application shall include also the following information: (1) A description of that comparison item; (2) the raw and other materials of which it is composed, and the current unit direct costs of the material in that item; (3) the type of container in which the item is contained, and the current cost of that container; and (4) the total unit direct labor cost for that item.

If you do not have such a comparison item, and your proposed price for the item being priced is based on the ceiling price of your most close by competitive seller of the same class selling the same item, or lacking the same item, a substantially similar item, to the same class of purchaser, your application shall state the name of that seller.

(b) If you are a distributor and have a ceiling price under this regulation for a "comparison item", your application shall also contain the following information: (1) A description of that comparison item, including the size and type of container; (2) your current net invoice cost of that comparison item; and (3) the percentage markup of the compari-

son item determined with reference to your most recent net invoice cost for that item.

You may not sell the item being priced until the Director of the Region I Office of the Office of Price Stabilization notifies you, in writing, by letter order of your ceiling price. After such determination of your ceiling price, that price shall be subject to the other provisions of this regulation applicable to you.

SEC. 8. *Reports.* (a) Within five days after the effective date of this regulation, you shall deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston 9, Massachusetts, notifying the Director of your ceiling prices, as determined by you under section 4 of this regulation, for each milk and cream item. This report shall be on OPS Public Form 124 which may be obtained from that office. In column f of that form, enter the highest price you charged for that item in the period December 19, 1950, through January 25, 1951.

(b) Within five days after the date of an official announcement indicating that the price of a product specified in section 5 (a) of this regulation, or in a Letter Order issued pursuant to section 7 of this regulation, is less than the specified price, you shall deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston, Massachusetts, giving the following information:

(1) Your ceiling price as determined under sections 4 and 7 of this regulation for each milk and cream item;

(2) The adjusted ceiling price for each milk and cream item determined under section 5 of this regulation.

(c) Upward adjustments in your ceiling prices pursuant to section 5 of this regulation may not be made before you deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston, Massachusetts, giving the information listed in paragraph (b) of this section.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk and/or cream items, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this regulation if no such sale or transfer had taken place, and the transferee's obligation to keep records sufficient to verify such prices shall be the same as the transferor's. The transferor shall either preserve and make available, or turn over, to the transferee, all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record keeping provisions of this regulation.

SEC. 10. *Records.* With respect to transactions in milk and cream items covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required thereby to be made with reference to sales of milk and/or cream items between January 26, 1951, and the effective date of this regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to milk and/or cream items covered by this regulation, prices, material and labor costs in the period January 1, 1950 to June 30, 1950, inclusive; records, showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation, and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations necessary to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charged for milk and/or cream items covered by this regulation.

SEC. 11. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 12. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 13. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 14. *Power of Director.* The Director of the Region I Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices established under this regulation, so as to bring prices so established into line with the level of ceiling prices for such items otherwise prevailing in the area. He may also revoke or suspend for any specified period of time and reinstate or postpone the effective date of this regulation.

SEC. 15. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any milk and/or cream item at a price in excess of the ceiling price established for it by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 16. *Penalties.* (a) Any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person required to do so by this regulation fails to establish a ceiling price, or to apply to the Director of the Region I Office of the Office of Price Stabilization for the establishment of a ceiling price, then the Director may issue a Letter Order establishing ceiling prices for the milk and/or cream items such person sells. Any ceiling price established in this manner will be in line with ceiling prices otherwise established pursuant to this regulation. The Letter Order establishing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the Letter Order. The issuance of such a Letter Order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 17. *Definitions*—(a) *Milk.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate milk; and any other milk or skim milk variations; regardless of whether such products are sold in glass, paper or other type of container, or in bulk.

(b) *Cream.* This term means cream of various percentages of butterfat, including soured cream; butter cream; cream mixed with other ingredients or gases used as whipping cream; other specialized fluid cream products and any other cream variation; regardless of whether such products are sold in glass, paper, or other type of container, or in bulk. Cottage, pot and bakers cheese remain under the General Ceiling Price Regulation.

(c) *Comparison item.* This term means, with reference to a milk item being priced, an item which falls within the definition of the term "milk" and with reference to a cream item being priced, an item which falls within the definition of the term "cream". In addition the comparison item must be an item the ceiling price of which was established pursuant to this regulation; must be the item most nearly like the one being priced, and must be one with lower

current unit direct costs (with respect to processed items sold by a processor or processor-distributor) or with lower costs (with respect to items sold by a distributor). If there is no such item with lower current unit direct costs or lower costs, the comparison item is the one with the same or higher current unit direct costs or higher costs, most nearly like the item being priced.

(d) *Retail and wholesale sales.* This term means sales by a processor or distributor to a purchaser other than a distributor. Examples are sales to homes, stores, restaurants, and institutions.

(e) *Basic container size.* This term means a one quart size container for milk items, and a one-half pint size container for cream items.

(f) *Terms defined elsewhere.* Terms not defined in this regulation but defined in Supplementary Regulation 63 to the General Ceiling Price Regulation or in the General Ceiling Price Regulation shall be construed as therein defined unless otherwise clearly required by the context of this regulation.

Effective date. This area milk price regulation issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is effective September 1, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

JOSEPH M. MCDONOUGH,
Director of the Region I Office,
Boston 9, Massachusetts.

AUGUST 27, 1952.

[F. R. Doc. 52-9530; Filed, Aug. 27, 1952; 10:55 a. m.]

[Ceiling Price Regulation 134, Amdt. 6]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

ELIMINATION OF CUT-OFF DATE IN SECTION 10

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment deletes the cut-off date for redetermination of ceiling prices under section 10 of this regulation.

The present cut-off date for redetermination of ceiling prices under section 10 is August 1, 1952. It has come to the attention of the Office of Price Stabilization that many operators have not taken advantage of the authorized redetermination permitted by section 10 prior to the present cut-off date. In the main, most of these operators are those who operate smaller eating and drinking establishments and in many cases were unaware of the purpose of the adjustment permitted by this section. Since the section 10 adjustment permits operators to increase their freeze week ceiling prices only in those cases where their selling prices were frozen at levels below those permitted under CPR 11 and then only in an amount necessary to permit them to recover the amount of the increased cost of food they absorbed under CPR 11, the Director of Price Stabilization has on reconsideration determined that a cut-off date for this type of adjustment is not necessary at this time.

Because of the beneficial nature of this amendment and the necessity for speedy action, the Director of Price Stabilization has found it neither necessary nor practical to consult with industry representatives, including trade association representatives. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Paragraph (a) of section 10 of Ceiling Price Regulation 134 is amended by deleting the words "August 1, 1952" wherever they appear in that paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This Amendment 6 to Ceiling Price Regulation 134 is effective August 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 28, 1952.

[F. R. Doc. 52-9590; Filed, Aug. 28, 1952; 10:35 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 10, Amdt. 1]

INT. 10—SALARIES FOR NEW OR CHANGED POSITIONS UNDER SECTION 63 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 10 is to substitute appropriate section references in General Salary Stabilization Regulation 1, Amended, for references in the superseded provisions of General Salary Stabilization Regulation 3.

1. (a) The second introductory paragraph (unnumbered) is amended by substituting the words, "General Salary Stabilization Regulation 1, Amended, section 63" for the words, "General Salary Stabilization Regulation 3, section 8".

(b) The third introductory paragraph (unnumbered) is amended by substituting the text, "section 63" for the text, "section 8".

2. The answer contained in paragraph 1.1 is amended to read as follows:

A. No. Salaries for new employees who will occupy positions identical with those held by present employees may be established at a level comparable to that of the employee having the most nearly comparable duties and responsibilities. See section 62 of General Salary Stabilization Regulation 1, Amended.

3. The answer contained in paragraph 2.14 is amended to read as follows:

A. No. The company's salary plan provides for merit increases and this increase in efficiency may be recognized by such increase in salary on the basis of an amount normally granted under the provisions of the plan. Since he is at grade 5, $790 per month, he may be considered for advancement to step 2, $875 per month, subject to the provisions of the plan and to the over-all limitations of section 52 (e) of General Salary Stabilization Regulation 1, Amended.

4. The answer contained in paragraph 3.2 is amended to read as follows:

A. No. The regulation relating to this problem is defined in section 62 of General Salary Stabilization Regulation 1, Amended, relative to salaries for new employees. Since this regulation does not offer a direct solution to this problem, the company may petition the Office of Salary Stabilization for an increase in the salary range if it can clearly establish the inadequacy of the existing salary range.

5. The answer contained in paragraph 3.4 is amended to read as follows:

A. Yes. The regulation which defines the method of setting these salaries is section 62 of General Salary Stabilization Regulation 1, Amended. Such salary is consistent in amount with the salaries paid employees having the most nearly comparable duties and responsibilities.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on August 22, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9576; Filed, Aug. 28, 1952; 9:12 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

COLONIAL NATIONAL HISTORICAL PARK AND EVERGLADES NATIONAL PARK; SPEED

1. Paragraph (c), *Speed*, of § 20.1, *Colonial National Historical Park*, is amended to read as follows:

(c) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances

and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.

2. Section 20.45, *Everglades National Park*, is amended by the addition of paragraph (h), reading as follows:

(h) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.

(39 Stat. 535; 16 U. S. C., sec. 3)

Issued this 25th day of August 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-9485; Filed, Aug. 28, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 57—RECORDATION OF DOCUMENTS

ELIGIBILITY OF DOCUMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of August A. D. 1952.

There being under further consideration the provisions of section 20c of the Interstate Commerce Act, as amended, providing for the recordation of any mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of railroad rolling stock, as described in said section, and the rules and regulations prescribed in order of July 28, 1952:

It is ordered, That paragraph (d) of § 57.3 *Eligibility of documents*, be hereby amended to read as follows:

(d) The document is accompanied by the required recordation fee, which fee, (1) for each document of the type named in § 57.1 (a), shall be $50, and (2) for each document of the type named in § 57.1 (b) shall be $10, except that assignments which are executed prior to the filing of the original instrument and which are submitted concurrently for recordation as one document, shall be counted as one document. A lease and agreement (Philadelphia Plan) shall be counted as one document.

And it is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

(65 Stat. 290, 66 Stat. 724; 5 U. S. C. 140, 49 U. S. C. 20c)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9491; Filed, Aug. 28, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

On April 8, 1952, the public was invited to participate in the preparation of these regulations by submitting their views, data, or arguments, in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 7, 1952 (17 F. R. 3355). After due consideration of all relevant material submitted pursuant to the notice, and under authority of said statutory provision, the regulations under the Migratory Bird Treaty Act are amended as follows:

1. Section 6.3 (a) and (b) are amended to read as follows:

(a) Migratory game birds on which open seasons are specified in § 6.4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by §§ 6.5, 6.8, and 6.9, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open season with the aid of a dog and from land or water (including a blind, or a boat or other craft not under tow, but not including any boat or other craft having a motor attached or any sailboat unless such boat, craft or sailboat is fastened within or tied immediately alongside of any type of stationary hunting blind): *Provided*, That nothing in this section shall permit the taking of migratory game birds from or by means, aid, or use of any sinkbox (battery), motor-driven conveyance, motor vehicle, or aircraft of any kind, the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying, or stirring up of waterfowl and coots by means or aid of any motor-driven land, water, or air conveyance or sailboat: *Provided further*, That nothing in this section shall prohibit the picking up of injured or dead waterfowl, coot, rails, or gallinules by means of a motorboat, sailboat, or other craft.

(b) Waterfowl, coot, gallinules, doves, and pigeons may not be taken under any circumstances by the aid of salt, or shelled, shucked or unshucked corn, wheat or other grains, or other feed similarly used to lure, attract or entice such birds to, on, or over the area where hunters are attempting to take them. In addition, such birds may not be taken within one-half mile of any place where salt, or shelled, shucked or unshucked corn, wheat, or other grains, or other feed of similar use in attracting such birds is placed, exposed, deposited, distributed, scattered or present at any time during or within two weeks prior to the open season on such birds.

As used in this section the terms "salt, or shelled, shucked or unshucked corn, wheat or other grains", "other feed of similar use", or "other feed similarly used", shall not be construed as including properly shocked corn, standing crops (including aquatics), or grains found scattered solely as a result of normal agricultural harvesting. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part.

2. The schedules designated as subparagraphs (1), (2), (3), and (4) in § 6.4 (e) are amended as follows:

a. Subparagraph (1) *Atlantic Flyway States* is amended to prescribe seasons for rails and gallinules in Maine from October 1 to October 22 and from November 19 to December 10, and in New York from October 25 to December 18, and further by transferring footnote 4 relating to scoter, eider and old-squaw ducks to subparagraph (5) Atlantic Flyway States as footnote 4.

b. Subparagraph (2) *Mississippi Flyway States* is amended to prescribe seasons for rails and gallinules in Alabama from November 17 to January 10, in Michigan from October 1 to November 24, and in Wisconsin from October 4 to November 27 and also that on the first day of the season hunting of these birds in Wisconsin may not start before 1 p. m.

c. Subparagraph (3) *Central Flyway States* is amended to prescribe a season for rails and gallinules in New Mexico from October 14 to November 6 and from December 18 to January 10.

d. Subparagraph (4) *Pacific Flyway States* is amended by changing the mourning dove season in Arizona to read "September 1–October 12".

3. The schedules designated as subparagraphs (5), (6), (7), and (8) of § 6.4 (e) are amended to read as follows:

(5) *Atlantic Flyway States:*

	Migratory waterfowl and coot			Woodcock
	Ducks	Geese (except snow geese)	Coot	
Daily bag limits	[1] 4	[2] 3	10	4
Possession limits	[1] 8	[2] 3	10	8
Seasons in: [3]				
Connecticut [4]	Nov. 7-Dec. 31			Oct. 18-Nov. 17.
Delaware	Oct. 31-Dec. 24			Nov. 15-Dec. 14.
	Nov. 17-Jan. 10			
Florida	Nov. 17-Jan. 10			Dec. 23-Jan. 21.
Georgia	Oct. 1-Oct. 22 and Nov. 19-Dec. 10.			Oct. 1-Oct. 31.
Maine [5]	Nov. 17-Jan. 10			Nov. 15-Dec. 14.
Maryland	Nov. 7-Dec. 31			Oct. 20-Nov. 20.
Massachusetts [4] [5]	Oct. 10-Dec. 3			Oct. 1-Oct. 31.
New Hampshire [4]	Nov. 7-Dec. 31			Oct. 18-Nov. 17.
New Jersey	Oct. 25-Dec. 18			See footnote 6.
New York [4]	Nov. 17-Jan. 10			Dec. 12-Jan. 11.
North Carolina.	Oct. 20-Dec. 13			Oct. 15-Nov. 14.
Pennsylvania	Nov. 12-Jan. 5			Nov. 1-Dec. 1.
Rhode Island [4]	Nov. 17-Jan. 10			Dec. 12-Jan. 11.
South Carolina.	Oct. 7-Nov. 30			Oct. 1-Oct. 31.
Vermont	Nov. 17-Jan. 10			Nov. 20-Dec. 19.
Virginia	Nov 3-Dec. 27			Oct. 18-Nov. 17.
West Virginia.	Dec. 15-Feb. 12			
Puerto Rico				
District of Columbia. [7]				

[1] Wood duck: No open season in West Virginia. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Not more than 3 Canada geese or its subspecies, or 2 white-fronted geese, or a mixed bag to include not more than 3 in the aggregate of these species, and in addition 3 blue geese a day or in possession.

[3] Brant: In Connecticut, Massachusetts and New Jersey Nov. 7-Nov. 21; Delaware Oct. 31-Nov. 14; Georgia, Maryland, North Carolina, South Carolina, Virginia Nov. 17-Dec. 1; Maine Oct. 1-Oct. 15; New Hampshire Oct. 10-Oct. 24; New York Oct. 25-Nov. 8; Pennsylvania Oct. 20-Nov. 3; Rhode Island Nov. 12-Nov. 26; Vermont Oct. 7-Oct. 21; and West Virginia Nov. 3-Nov. 17, all dates inclusive. Daily bag and possession limit 2. No open season in Florida.

[4] Scoter, elder and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, Massachusetts, New Hampshire and New York from Sept. 28-Dec. 31, inclusive, in Connecticut from Oct. 17-Dec. 31, inclusive, and in Rhode Island from Sept. 28-Jan. 5, inclusive. In areas other than those beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, elder or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.

[5] Only Canada geese or its subspecies may be taken in Massachusetts.

[6] New York: East and north of Oswego River from Lake Ontario to its junction with the Oneida River, Oneida River to Oneida Lake, north shore of Oneida Lake to Barge Canal, Barge Canal to Rome, the main line of New York Central R. R. from Rome to Albany, and main line of Boston & Albany R. R. from Albany to Massachusetts State line, Oct. 10-Nov. 4, inclusive; west and south of the above described boundary (except Long Island) Oct. 20-Nov. 14, inclusive; that part of New York known as Long Island, Oct. 23-Nov. 17, inclusive, from 9 a. m. until 5 p. m. on the opening day, and thereafter from 7 a. m. until 5 p. m. in each of these zones.

[7] No open season in District of Columbia but migratory game birds may be possessed therein in accordance with § 6.6 (c).

(6) *Mississippi Flyway States:*

	Migratory waterfowl and coot			Woodcock
	Ducks	Geese	Coot	
Daily bag limits	[1] 4	[2] 5	10	4
Possession limits	[1] 8	[2] 5	10	8
Seasons in:				
Alabama	Nov. 17-Jan. 10			Dec. 1-Dec. 30.
Arkansas	Nov. 17-Jan. 10			Dec. 1-Dec. 30.
Illinois	Oct. 20-Dec. 13 [3]			
Indiana	Oct. 20-Dec. 13			Oct. 20-Nov. 18.
Iowa	Oct. 8-Dec. 1			
Kentucky	Nov. 17-Jan. 10			
Louisiana	See footnote 4			Dec. 22-Jan. 20.
Michigan	Oct. 1-Nov. 24			See footnote 5.
Minnesota	Oct. 1-Nov. 24			Oct. 1-Oct. 30.
Mississippi	See footnote 6			Dec. 10-Jan. 8.
Missouri	Oct. 20-Dec. 13			Nov. 10-Dec. 9.
Ohio	Oct. 13-Dec. 6 [7]			Oct. 8-Nov. 6.
Tennessee	Nov. 17-Jan. 10			Oct. 4-Nov. 2.
Wisconsin [8]	Oct. 4-Nov. 27			

[1] Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season for geese in that part of Alexander County, Ill., established as closed area by proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).

[4] Louisiana: Excluding lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Mississippi lying westerly of the aforesaid center line, Nov. 5-Dec. 29.

[5] Michigan: Woodcock in Zones 1 and 2 as defined by State law or orders or regulations of the Michigan Department of Conservation, Oct. 1-Oct 31, and in Zone 3, Oct. 20-Nov. 7.

[6] Mississippi: Excluding lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Louisiana lying easterly of the aforesaid center line, Nov. 17-Jan. 10.

[7] Ducks, geese, coot on Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said reservoir, Oct. 20-Dec. 13.

[8] Wisconsin: On the first day of the season waterfowl coot and woodcock hunting may not start before 1 p. m.

(7) *Central Flyway States:*

	Migratory waterfowl and coot		
	Ducks	Geese	Coot
Daily bag limits	[1] 5	[2] [3] 5	25
Possession limits	[1] 10	[2] [3] 5	25
Seasons in:			
Colorado	Oct. 20-Dec. 18. [4]		
Kansas	Oct. 12-Dec. 10.		
Montana	Oct. 10-Dec. 8. [4]		
Nebraska	Oct. 11-Dec. 9.		
New Mexico [5]	Oct. 14-Nov. 6 and Dec. 18-Jan. 10.		
North Dakota	Oct. 1-Nov. 29.		
Oklahoma [3]	Oct. 18-Dec. 16.		
South Dakota	Oct. 3-Dec. 1.		
Texas [3] [6]	Oct. 31-Dec. 29.		
Wyoming	Oct. 17-Dec. 15. [2]		

[1] Wood duck: No open season in Colorado, Kansas, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, or in Colorado and Wyoming. No open season in Colorado on blue geese.

[4] The bag and possession limit on geese in New Mexico is 3 which may include not more than 2 Canada geese or its subspecies, or 2 white-fronted geese, or 1 snow goose.

[5] Woodcock: Oklahoma, Dec. 1-Dec. 30; Texas, in the counties of Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Liberty, Chambers, and all counties south and east thereof, Dec. 23-Jan. 21; no open season in rest of Texas. Daily limit 4, possession limit 8.

[6] Texas: Black-bellied tree duck, no open season.

(8) *Pacific Flyway States:*

	Migratory waterfowl and coot			
	Ducks	Geese (except Ross's geese)	Brant	Coot
Daily bag limits	[1] 6	[2] 6	[3] 3	15
Possession limits	[1] 6	[2] 6	[3] 3	15
Seasons in:				
Arizona	Oct. 24-Jan. 1.			
California	Oct. 24-Jan. 1.			
Idaho	Oct. 11-Dec. 19. [4]			
Nevada	Oct. 17-Dec. 25.			
Oregon	Oct. 24-Jan. 1.			
Utah	Oct. 17-Dec. 25.			
Washington	Oct. 17-Dec. 25.			
Alaska [5]				

[1] In addition 2 widgeons or 2 pintails or 1 of each a day or in possession. Wood duck: No open season in Arizona, Nevada, and Utah. In other Pacific Flyway States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers, 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than 2 birds of the dark species, as follows: the common Canada and subspecies, white-fronted, Tule, blue, and Emperor geese.

[3] Brant, daily bag and possession limit 3.

[4] Idaho: Snow geese, no open season. No open season on geese of any species in the following described area in Canyon County: Beginning at the junction of U. S. Highway 30 and State Highway 45, in the city of Nampa, thence westerly along U. S. Highway 30 to its junction with State Highway 20, thence westerly along State Highway 20 to its junction with the Lake Lowell-Marsing road, thence southerly along the Lake Lowell-Marsing road to the south end of the west embankment of Lake Lowell, thence along the oil surfaced road bearing easterly to its junction with State Highway 45, thence northerly along State Highway 45 to its junction with U. S. Highway 30, the point of beginning.

[5] See footnote 5 under schedule (4) Pacific Flyway States.

4. Section 6.6 (c) is amended to read as follows:

(c) *Possession.* (1) Within the maximum possession limits prescribed by § 6.4 migratory game birds lawfully taken within a State or transported or imported in accordance with the provisions of paragraphs (a) or (b) of this section, may be possessed in any State, District of Columbia, Alaska, or Puerto Rico during the open season where taken and for an additional 90 days next succeeding the said open season.

(2) Any migratory game birds held for picking, cleaning, storage, processing or shipment by any person, other than the person who killed such birds, shall have a tag attached indicating the total number and kinds, the date killed, and the name and address of the owner.

(3) For the purpose of the regulations in this part the ownership and possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to (i) a post office, (ii) a common carrier, or (iii) a locker, storage plant, or similar facility for transportation to some person other than the hunter or a member of the hunter's immediate houshold. As used in this section, "locker, storage plant, or similar facility" includes only those facilities as are engaged in the business of receiving and handling birds and keep and make available for inspection by any officer authorized to enforce these regulations at any reasonable time records showing the names and

addresses of both the consignors and the consignees of such birds.

(Sec. 3, 40 Stat. 755; 16 U. S. C. 704)

These amendments shall become effective on October 1, 1952.

Dated: August 26, 1952.

R. D. SEARLES,
Acting Secretary.

[F. R. Doc. 52-9506; Filed, Aug. 28, 1952; 8:51 a. m.]

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON

HUNTING

Basis and purpose. On the basis of observations and reports of field investigations conducted by representatives of the Oregon State Game Commission and the Fish and Wildlife Service, it has been determined that the controlled public hunting of deer, by use of bow and arrow only, can be permitted on a portion of the Hart Mountain National Antelope Refuge, Oregon, without interfering with the primary purpose of the refuge.

Since the following regulation is a modification of existing restrictions, publication in the FEDERAL REGISTER prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.136 is revised to read as follows:

§ 31.136 *Limitation on hunting methods.* Deer hunting is permitted with bow and arrow only, in accordance with State regulations. The possession or use of firearms of any description on the refuge is prohibited.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9511; Filed, Aug. 28, 1952; 8:52 a. m.]

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES NATIONAL WILDLIFE REFUGE, MONTANA

HUNTING OF MOOSE

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, it has been determined that there is a surplus of moose on and in the vicinity of the Red Rock Lakes National Wildlife Refuge, Montana, the removal of which, in keeping with wildlife management objectives, can best be accomplished by public hunting on a portion of the refuge.

Since the following regulations are relaxations of the existing regulations applicable to the Red Rock Lakes National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, the following subpart is added:

Sec.
31.291 Moose hunting permitted.
31.292 Entry.
31.293 State hunting laws.
31.294 State cooperation.

AUTHORITY: §§ 31.291 to 31.294, are issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 31.291 *Moose hunting permitted.* Moose may be taken with firearms during the 1952 State season for the hunting of moose on the refuge lands lying south and east of Elk Springs Creek, Shambow Creek, and Shambow Pond in the following subdivisions:

Sections 5, 6, 7, 8, 17, 18, and 19, T. 14 S., R. 1 E., section 31, T. 13 S., R. 1 E., and sections 13, 14, 15, and 20 to 30, inclusive, T. 14 S., R. 1 W., M. P. M.,

subject to the provisions, conditions, and requirements of § 31.292 and § 31.293.

§ 31.292 *Entry.* Entry on and use of the refuge are governed by the regulations in Parts 18 and 21 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting by the officer in charge. When entering or leaving the public hunting area, hunters must report at such checking stations as may be established for the purpose of regulating the hunt.

§ 31.293 *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license for the taking of moose, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of moose on the refuge.

§ 31.294 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event that such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting. The officer in charge of the refuge may suspend hunting privileges upon the taking of the maximum number of moose determined to be surplus by mutual agreement with the Montana Fish and Game Commission.

Dated: August 25, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9510; Filed, Aug. 28, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

EXECUTION OF TRANSACTIONS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that the Secretary of Agriculture, under authority contained in section 8a (5) of the Commodity Exchange Act (7 U. S. C. 12a (5)), is considering the amendment of § 1.38 of the regulations under the Commodity Exchange Act (17 CFR 1.38), to read as follows:

§ 1.38 *Execution of transactions*—(a) *Competitive execution required; exceptions.* All purchases and sales of any commodity for future delivery on or subject to the rules of a contract market shall be executed openly and competitively as to price, by open outcry or posting of bids and offers or by other equally open and competitive methods, in the trading pit or ring or similar place provided by the contract market, during the regular hours prescribed by the contract market for trading in such commodity: *Provided, however,* That this requirement shall not apply to such transactions as are executed in accordance with written rules of the contract market which have been submitted to and not disapproved by the Secretary of Agriculture, specifically providing for the noncompetitive execution of such transactions.

(b) *"Transfer" or "office trades"; exchange of futures; requirements.* Every person handling, executing, clearing, or carrying trades or contracts which are not competitively executed, including transfer trades or office trades, or trades involving the exchange of futures for cash commodities or the exchange of futures in connection with cash commodity transactions, shall identify and mark by appropriate symbol or designation all such transactions or contracts and all orders, records, and memoranda pertaining thereto.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than the 30th day after

the publication of this notice in the FEDERAL REGISTER.

Issued this 26th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9496; Filed, Aug. 28, 1952; 8:49 a. m.]

Production and Marketing Administration

[7 CFR Part 991]

[Docket No. AO-194-A5]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

NOTICE OF CORRECTION OF DECISION

Notice is hereby given that the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area annexed to the decision of the Secretary with respect to a proposed marketing agreement and a proposed order amending the order, as amended, issued August 19, 1952, and filed with the FEDERAL REGISTER August 22, 1952, (F. R. Doc. 52-9291) is hereby corrected as follows:

1. Delete § 991.71 (f) (2) and substitute therefor the following:

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (e) of this section and add an amount computed as follows: Divide the amount of the cash balance as set forth in paragraph (c) of this section by the total quantity of producer milk.

2. In § 991.71 (f) (4) delete the figure "(2)" and substitute therefor the figure "(3)".

3. In § 991.71 (f) (5) delete the cross reference "paragraph (e) of this section" and substitute therefor the cross reference "paragraph (d) of this section".

4. Delete § 991.71 (f) (6) and substitute therefor the following:

(6) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

5. Delete § 991.71 (g) (1) and substitute therefor the following:

(1) Multiply the hundredweight of producer milk for Rockford handlers by the per hundredweight figure computed for such handlers as provided in paragraph (f) (5) of this section.

6. Delete § 991.71 (g) (2) and substitute therefor the following:

(2) Subtract such amount from the sum computed in paragraph (c) of this section.

7. Delete § 991.71 (g) (3), (4), (5) and substitute therefor the following:

(3) Divide such net amount by the hundredweight of producer milk for Freeport handlers; and

(4) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

Done at Washington, D. C., this 26th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9515; Filed, Aug. 28, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 10209]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4,000 and 23,000 kc and amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2,000 and 23,000 kc and ship telephone frequencies between 4,000 and 23,000 kc.; Docket No. 10209.

1. The proposal set forth under Docket Number 10209 sought to implement one phase of the Atlantic City Radio Regulations (1947) and Extraordinary Administrative Radio Conference (Geneva, 1951) by an assignment scheme for ship high frequency calling frequencies based upon call sign blocks. This further notice of proposed rule making proposes an alternative scheme of assignment and covers not only ship telegraph calling frequencies between 4,000 and 23,000 kc but all assignable ship telegraph frequencies between 2,000 and 23,000 kc as well as assignable ship telephone frequencies between 4,000 and 23,000 kc.

2. The frequency table in the Appendix set forth below presents a comprehensive and detailed listing of all assignable ship telegraph frequencies between 2,000 kc and 23,000 kc in the form of frequency columns identified by symbol number. The table also presents the same information with respect to ship telephone between 4,000 kc and 23,000 kc, the entire set of assignable frequencies being identified by the symbol R1.

3. As an alternative to the call sign block assignment scheme for ships using telegraphy, as proposed in Docket 10209, the Commission is considering the feasibility of allocating particular columns of frequencies to specific licensees, the number of columns allocated to any given licensee to be proportional to the number of ships served by that licensee. Under this plan, frequency columns would be assigned in rotation (as required by the Atlantic City Radio Regulations) but only as to those frequency columns set aside for the particular licensee. The result is expected to be the same as if direct rotation of frequency asignments had been made.

4. It is believed that a company-by-company assignment plan of the type herein proposed would possess a decided advantage, from the licensee's viewpoint, over any other plan, for the reason that each licensee would be able to predict with a reasonable degree of certainty which column or columns were to be next assigned, thus limiting the number of crystals to be stocked by any particular licensee, with the added advantage that equipment could be installed and tested on dummy antennas prior to receipt of the license.

5. Table 1 in the attached Appendix, which is based in part upon Appendix 10 of the Atlantic City Radio Regulations, indicates the calling and working frequencies in each band available to passenger and cargo ships. With the exception of the 22 mc band frequencies and one-half of the 2 mc band, frequencies are columnized in harmonic relationship, and each column is identified by a symbol to be used in applying for and licensing those series of frequencies. Each vessel must be assigned one series of calling frequencies; passenger ships must be assigned two or more series of working frequencies, the total number of series depending upon the anticipated traffic volume. If equipment is authorized for use on a passenger ship or aircraft which does not comply with the 0.02 percent frequency tolerance requirement, the only series of working frequencies which may be assigned are those headed P14 and P15. The same series would also be used for passenger ships if emission is proposed which cannot be contained within the channels indicated in other frequency columns. Cargo ships are assigned one series of working frequencies containing two frequencies in each band except the 2 mc band, where only one frequency is provided.

6. Table 2 in the attached Appendix shows the number of radio-telegraph equipped vessels licensed to the several steamship and communications companies, and contains an allocation of frequency column symbols to the companies proportional to the number of cargo or passenger vessels licensed. The Commission will from time to time review the number of ships served by the several licensees to determine whether more or less column symbols should be assigned to particular licensees.

7. Table 3 in the attached Appendix is a list of radiotelephone frequencies between 4,000 and 23,000 kc available for assignment to ships for communication with United States coast stations. The frequencies to be used for communication with foreign coastal telephone stations may be determined through consultation with the International Telecommunication Union "List of Coast and Ship Stations" (see also § 8.357). The entire family of frequencies is identified by a single symbol to be used in applying for and licensing ship radiotelephone transmitters. It does not include the radiotelephone frequencies below 4,000 kc or above 30 mc.

8. The proposals herein contained are issued under authority of sections 305 (c), (f), and (r) of the Communications Act of 1934, as amended.

9. Any interested person may file with the Commission, on or before September 30, 1952, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from

the last day for filing the described original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

10. In accordance with § 1.784 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments must be furnished to the Commission.

Adopted: August 13, 1952.

Released: August 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 8, rules governing Stations on Shipboard in the Maritime Services, to add Appendix III:

APPENDIX III—TABLES OF SHIP RADIOTELEGRAPH FREQUENCIES FROM 2,000 KC TO 23,000 KC AND SHIP RADIOTELEPHONE FREQUENCIES FROM 4,000 KC TO 23,000 KC

The following procedures and tables may be used in applying for license for the frequencies listed in tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to Ship stations. Frequencies licensed by specific frequency column symbols may only be used in the manner and to the extent authorized by other provisions of this part.

Radiotelegraph, 2,000 kc to 23,000 kc. The applicant must consult table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in table 2 may be determined from table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

Calling frequencies. Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, application for the first vessel must be for the first sym-

TABLE 1–a—PASSENGER SHIP RADIOTELEGRAPH WORKING FREQUENCIES

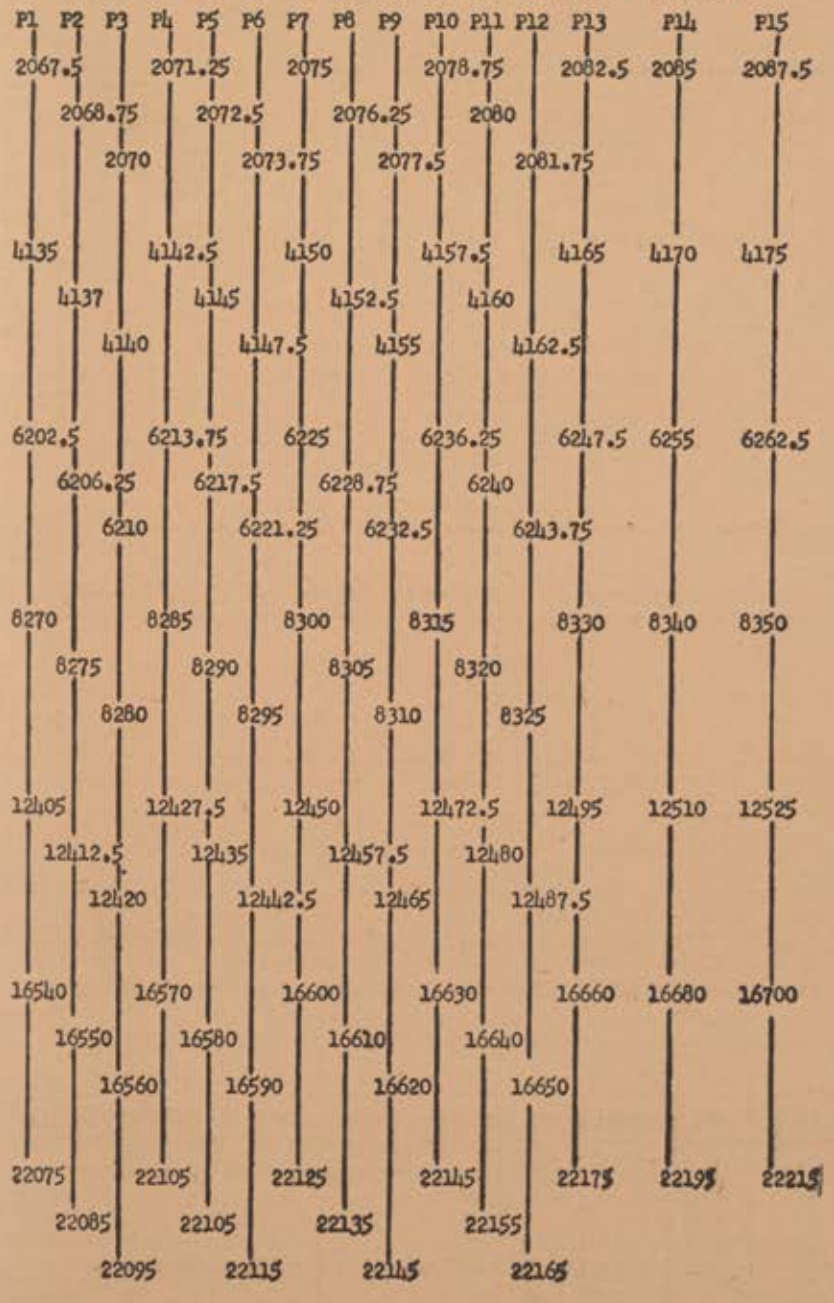
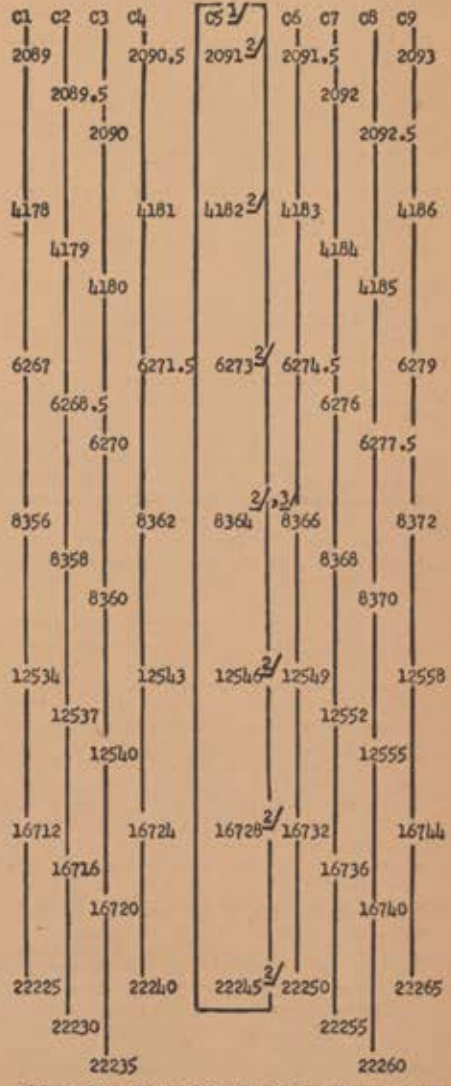


TABLE 1–b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES

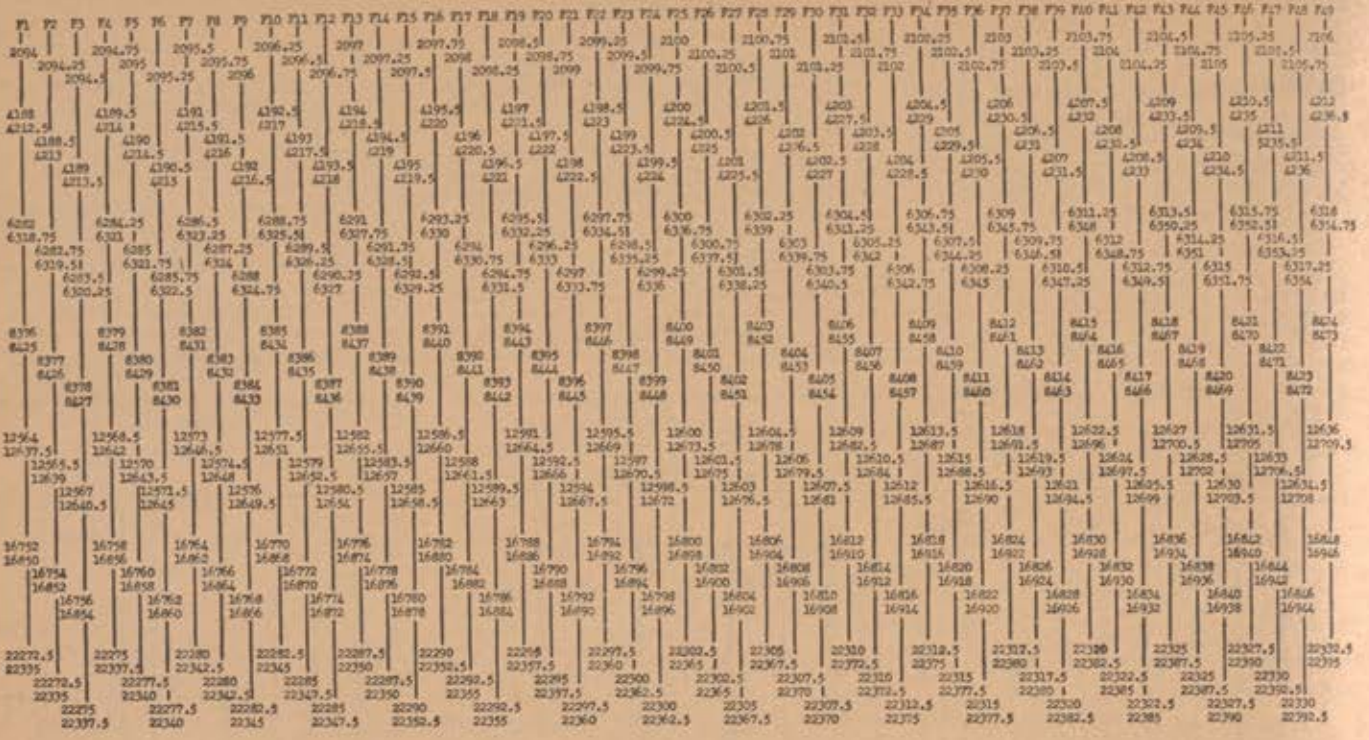


[1] 2091 kc. is available to ships operating in ITU Region II only.

[2] These frequencies are available only to public service aircraft lifeboats and other survival craft. The frequency 8364 kc. is additionally available to all aircraft desiring to establish communication with stations in the maritime mobile service.

[3] Lifeboats and survival craft equipped for high frequency operation must be capable of operating on this frequency.

TABLE 1-c—CARGO SHIP WORKING FREQUENCIES



bol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

Cargo ship working frequencies. Application may be made for one cargo working frequency column symbol, from the "P" series, for each cargo ship, which will include one frequency from the 2 mc and two frequencies each from the 4, 6, 8, 12, 16, and 22 mc bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols must be applied for in rotation for successive vessels as for calling frequencies.

Passenger ship working frequencies. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols must be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

Wide band transmissions. When authorization for passenger ship radiotelegraph station using emissions broader than 0.16A1 on these frequencies is desired, application may only be made for working frequency column symbols P14 and/or P15, without regard to Table 2, for such wide band transmissions. This shall be in addition to application for normal band width emissions, which are applied for as provided above. Insofar as is possible, application for successive vessels of the same applicant must alternate in the selection of the two symbols.

High frequency (long distance) radiotelephone. Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

TABLE 2—HIGH RADIOTELEGRAPH FREQUENCIES FOR SHIP STATION APPLICANTS

[For columns of frequencies designated by these symbols, see table 1, above]

	Number passenger ships	Number cargo ships	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp. of America.	32	919	C1, C3, C5,[1] C7, C9.	P1, P3, P7, P11, P13.	F1, F3, F5, F7, F9, F11, F13, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47, F49.
Mackay Radio & Telegraph Co., Inc.	21	618	C2, C4, C5,[1] C6.	P2, P4, P8, P10.	F2, F6, F8, F10, F14, F18, F20, F24, F28, F32, F34, F36, F40, F42, F48.
Tropical Radio Telegraph Co.	10	24	C5,[1] C8.....	P6, P12.....	F4.
Matson Navigation Co....	3	23	C5,[1] C8.....	P6, P12.....	F12.
Globe Wireless Co.....	.....	13	C5,[1] C8.....	.....	F16.
Other applicants [2].....	4	215			
A–C.....	.....	.....	C5,[1] C8.....	P5, P9.....	F22.
D–L.....	.....	.....	C5,[1] C8.....	P5, P9.....	F26.
M.....	.....	.....	C5,[1] C8.....	P5, P9.....	F30.
N–R.....	.....	.....	C5,[1] C8.....	P5, P9.....	F38.
S.....	.....	.....	C5,[1] C8.....	P5, P9.....	F44.
T–Z.....	.....	.....	C5,[1] C8.....	P5, P9.....	F46.

[1] See footnotes 1, 2, and 3 in Table 1b, "Ship Radiotelegraph Cabling Frequencies", above.

[2] Applicants other than the above listed companies must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C8, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group; C8; P5 and P9, or F30: Marine Communications, Inc.: A. B. Miller & Co.: C. D. Munsey: E. F. Murphy, Alfred Abrams, et al.

TABLE 3—RADIOTELEPHONE SHIP HIGH (LONG-DISTANCE) FREQUENCIES BETWEEN 4 MC AND 22 MC

[Frequency column symbol: R1]

4 mc		8 mc		12 mc		16 mc		22 mc	
Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship
4372.4	4067.0	8747.6	8198.4	.....	.....	.....	.....	.....	.....
.....	.....	8761.8	8212.6	.....	.....	.....	.....	.....	.....
4393.1	4087.7	8768.9	8219.7	13157.5	12357.3	17317.5	16487.3	22677.5	22027.3
4406.9	4101.5	.....	.....	13172.9	12372.7	.....	.....	22692.9	22042.7
.....	.....	.....	.....	13180.6	12380.4	17340.6	16510.4	.....	.....
4420.7	4115.3	8797.3	8248.1	.....	.....	.....	.....	.....	.....
4427.6	4122.2	.....	.....	13196.0	12395.8	17356.0	16525.8	22716.0	22065.8
4434.5	4129.1	8811.5	8262.3	.....	.....	.....	.....	.....	.....

[1] Ship stations may not transmit on coast station frequencies.

[F. R. Doc. 52-9409; Filed, Aug. 28, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN LUIS VALLEY PROJECT, COLORADO

ORDER OF REVOCATION

MAY 22, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of June 18, 1941 and July 24, 1945, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 3 E.,
Sec. 1, W½NE¼, W½, SE¼;
Sec. 12, All.
T. 35 N., R. 4 E.,
Sec. 6, E½NE¼, SW¼NE¼, S½.
T. 36 N., R. 4 E.,
Sec. 14, All;
Sec. 15, All;
Sec. 20, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 22, N½NE¼, N½NW¼, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 23, N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 24, All (exclusive of Patented Mineral Entry No. 18859);
Sec. 26, All;
Sec. 27, All;
Sec. 28, SE¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 31, NW¼NW¼;
Sec. 32, E½, E½NW¼, E½SW¼, SW¼SW¼.
T. 32 N., R. 7 E.,
Sec. 3, S½S½SW¼;
Sec. 4, All;
Sec. 10, W½NE¼, W½, SE¼;
Sec. 11, W½.
T. 33 N., R. 7 E.,
Sec. 29, SW¼, W½SE¼;
Sec. 30, Lot 3, which is the NW¼SW¼, and contains 40.85 acres, NE¼SW¼, N½SE¼;
Sec. 31, Lot 1, which is the NW¼NW¼, and contains 40.56 acres, S½NE¼;
Sec. 32, S½NE¼, N½SW¼;
Sec. 33, S½N½, S½.

The above aggregates approximately 10,920 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

AUGUST 25, 1952.

I concur. The records of the Bureau of Land Management will be noted accordingly.

There are some patented mineral entries in secs. 22, 23, 24, 26, and 27, and a townsite in sec. 22, T. 36 N., R. 4 E., New Mexico Principal Meridian. The remaining lands are in the Rio Grande National Forest, and will become subject to the public land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this concurrence.

WILLIAM ZIMMERMAN, JR.,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 52-9484; Filed, Aug. 28, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, COTTON BRANCH

DELEGATION OF AUTHORITY WITH RESPECT TO SAMPLING, ANALYSIS, AND CERTIFICATION OF SAMPLES AND GRADES OF COTTONSEED (CRUSHING PURPOSES)

Pursuant to the authority vested in me by the regulations (7 CFR Part 28) applicable to the standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States and by the regulations (7 CFR Part 61) applicable to the inspection, sampling, and certification of such cottonseed, authority is hereby delegated to the Director, Cotton Branch, Production and Marketing Administration, to exercise the powers and functions vested in the Administrator of the Production and Marketing Administration by § 28.404 *Sampling, analysis, and certification of samples and grades* and by §§ 61.1 through 61.46 of the foregoing regulations.

The Director of the Cotton Branch is further authorized to redelegate any or all of the aforesaid authority to any other officer or employee of the Production and Marketing Administration under his supervision.

Done at Washington, D. C., this 26th day of August 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 52-9514; Filed, Aug. 28, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 8]

ORGANIZATION AND FUNCTIONS

PRINCIPAL OFFICERS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration (16 F. R. 2975) is hereby amended.

1. Section 12 is amended to read:

SEC. 12. *Principal officers.* The duties and responsibilities of the principal officers in the Office of the Administrator are as follows:

(a) *The Administrator.* (1) Determines the policies of the Civil Aeronautics Administration.

(2) Directs the development and execution of its programs.

(b) *Deputy Administrator.* (1) Acts for the Administrator, as authorized, in planning, directing, coordinating, and controlling the programs, policies, and operations of the Civil Aeronautics Administration and in supervising all Washington Offices and field organizations.

(2) Acts as Administrator during the absence of the Administrator from duty at his official headquarters.

(c) *Assistant Administrator for Administration.* (1) Acts as principal assistant to the Administrator and Deputy Administrator in the planning, coordination, and evaluation of the budgetary and personnel management, organization planning, general administrative services, and defense production activities of the Civil Aeronautics Administration.

(2) Acts as the Administrator during the simultaneous absence of the Administrator and Deputy Administrator from duty at their official headquarters.

(d) *Assistant Administrator for Program Coordination.* (1) Acts as the principal assistant to the Administrator and the Deputy Administrator in the planning, coordination, and evaluation of Civil Aeronautics Administration program operations.

(2) Plans, directs, and coordinates the program planning and evaluation activities of the Office of the Administrator.

(3) Acts as Administrator during the simultaneous absence of the Administrator, Deputy Administrator, and Assistant Administrator for Administration from duty at their official headquarters.

This amendment shall become effective August 22, 1952.

[SEAL] C. F. HORNE,
Administrator of Civil Aeronautics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9508; Filed, Aug. 28, 1952; 8:51 a. m.]

Federal Maritime Board

MITSUI STEAMSHIP CO., LTD. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 7837 between Mitsui Steamship Co., Ltd. and United Fruit Company, covers the transportation of cargo under through bills of lading from designated areas in the Far East to New York or New Orleans, with transshipment at Cristobal, Canal Zone.

2. Agreement No. 7845 between the Port of New York Authority and Pittston

Stevedoring Corp., provides for the leasing of certain land at the Port Authority Grain Terminal, Gowanus Bay, Brooklyn, N. Y. to Pittston Stevedoring Corp., for the purpose of making available at the terminal a public open-storage area for the storage, handling and ancillary services in connection with lumber and general cargo transported by water, including New York State Barge Canal. The lessee agrees to observe the present and future rates and charges of the lessor which may be amended without the consent of the lessee. The agreement does not prevent the lessor from licensing others to perform similar services at the grain terminal.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 25, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-9497; Filed, Aug. 28, 1952; 8:49 a. m.]

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

ORGANIZATIONAL COMPONENTS; OFFICE OF SHIP REQUIREMENTS AND ALLOCATIONS

The material appearing at 16 F. R. 3667 is hereby amended by deleting paragraph 5 (b) (12) (i) and substituting therefor the following:

(i) The Office of Ship Requirements and Allocations, responsible for determining requirements for and allocation of available shipping; calculating freight rates; issuing and administering priorities for transportation of ship cargo; and administering freight forwarding and other traffic activities. The Office of Ship Requirements and Allocations has the following divisions: Division of Allocations and Requirements, Division of Traffic, and Division of Ship Warrants;

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 52-9509; Filed, Aug. 28, 1952; 8:51 a. m.]

Office of the Secretary

ORGANIZATION AND FUNCTIONS

SUBSTITUTION OF TERM: GENERAL COUNSEL FOR SOLICITOR

1. Public Law 584, 82d Congress, designates the Solicitor of the Department as the General Counsel. Accordingly, the material appearing at 16 F. R. 8189 is amended by substituting "General Counsel" for "Solicitor" wherever that term appears. Moreover, any other departmental orders and other official internal documents and papers of the Department of Commerce relating or referring to the Solicitor of the Department of Commerce shall be deemed to relate or refer to the General Counsel of the Department of Commerce. This paragraph is effective July 17, 1952.

2. In accordance with the provisions of Public Law 553, 82d Congress, any departmental orders and other official documents and papers of the Department of Commerce relating or referring to the Chief Clerk or the Chief Clerk and Superintendent of the Department of Commerce shall be deemed to relate or refer to the Administrative Officer of the Department of Commerce. The Director of the Office of Administrative Services is hereby authorized, pursuant to the authority contained in Reorganization Plan No. 5 of 1950, to sign as Administrative Officer of the Department those official documents and papers heretofore signed by the Chief Clerk and Superintendent under the authority contained in the act of June 28, 1944 and listed below:

Certifications to the Public Printer of the necessity for illustrations.

Certifications that persons signing official documents were at such time employees of the Department of Commerce and that full faith and credit should be given their certificates as such.

Endorsements of checks received in payment of services and publications of the Department when drawn other than to the Treasurer of the United States.

Certifications as to the official nature of copies of correspondence and records from files, publications and other documents requiring affixation of the official seal of the Department.

This paragraph is effective July 16, 1952.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 52-9507; Filed, Aug. 28, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10206]

FORT MEADE TAXI SERVICE

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of revocation of license of Taxicab, Radio Station KGA-444; W. W. Robinson, d/b as Fort Meade Taxi Service, Fort Meade, Maryland; Docket No. 10206.

1. The Commission has had under consideration a letter from W. W. Robinson, licensee of the above-designated station, requesting us to reconsider the revocation order which was issued in this proceeding on June 2, 1952, revoking the license of Station KGA-444. This order was adopted because of certain violations of the Commission's rules, including repeated failures to reply to official correspondence and a violation of the Communications Act which consisted in the operation of three (3) unlicensed mobile transmitters.

2. In his letter, Robinson attributes these violations and failures to respond to official correspondence to the fact that at the time they had taken place he was pre-occupied with business affairs which then demanded his full time and attention. He assures the Commission that the incidents which gave rise to the issuance of the revocation order would not recur in the future and states that he has discontinued the use of the three (3) unlicensed mobile transmitters and would not resume their operation until they are properly authorized. To this end, he filed an application (File No. 171-G4-P/ML-H) for modification of his license.

3. An investigation made subsequent to the receipt of the above-mentioned letter revealed that, in fact, the operation of the three (3) unlicensed transmitters has not been discontinued. These transmitters were observed to be in use in Cabs 2, 5 and 8 on July 22, 1952. Also, the Commission's inspector discovered that the dispatcher on duty at the base station did not have an operator license which would authorize him to operate the station, and that certain transmitters in cabs had no identification cards.

4. In the light of the foregoing, we are compelled to conclude that the licensee of Station KGA-444 appears to have deliberately chosen to disregard the law and to ignore his obligations as a licensee of a radio station and that, therefore, his request for reconsideration must be denied.

5. *Accordingly, it is ordered,* That the request of W. W. Robinson for consideration of the revocation order is denied; and

6. *It is further ordered,* That this matter is designated for hearing [1] to be held in Washington, D. C., at 10:00 a. m., on the 20th day of October, 1952, upon the following issues:

(a) To determine whether the licensee committed the violations of the Commission's rules and the Communications Act alleged in the Commission's order of revocation, dated June 2, 1952, as well as those set forth in paragraph 3 hereof; and

(b) If the licensee committed all or a portion of such violations, to determine whether on the basis of the facts or circumstances in connection therewith the Commission's order of revocation should be affirmed.

7. *It is further ordered,* That no action shall be taken on the application, which the licensee filed for modification of his license, File No. 171-G4-P/ML-H, pending the conclusion of the revocation proceeding; and

8. *It is further ordered,* That the licensee shall within fifteen (15) days from the date of his receipt of this opinion and order file written appearance indicating

[1] For this purpose, we consider the licensee's letter to be a request for hearing as an alternative to the reconsideration request.

his intention to appear and participate in the hearing herein ordered,

Adopted: August 20, 1952.

Released: August 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9513; Filed, Aug. 28, 1952; 8:52 a. m.]

[Docket No. 10230]

ARCTIC TELEPHONE & TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Arctic Telephone & Telegraph Company, application for modification of construction permit to change location of a fixed public point-to-point telephone station from Fourth of July Creek, Alaska, to Anchorage, Alaska, to add frequencies and to increase the maximum power; Docket No. 10230, File No. 11330-F4-MP-D.

It appearing, that the Commission's order of July 10, 1952, designating this matter for hearing set the time and place thereof as the 26th day of August 1952 in Washington, D. C.; and

It further appearing, that the Commission thereafter, by letter of July 23, 1952, afforded the applicant an extension of time within which to file an appearance herein and an opportunity to request a change of the place of hearing to Seattle, Washington or Portland, Oregon; and

It further appearing, that such appearance and request have not yet been filed and the time within which to make such filing may not expire prior to August 26;

It is ordered, This 19th day of August 1952, that the date of hearing is adjourned from August 26, 1952, to September 30, 1952, subject to such further order herein as may be appropriate if, and when, the applicant files the appearance and request referred to above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9512; Filed, Aug. 28, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1391]

NEW YORK STATE NATURAL GAS CORP., AND TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 19, 1952.

On June 20, New York State Natural Gas Corporation (New York State Natural), a New York corporation having its principal place of business at New York, New York, and Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana hereinafter sometimes referred to as "Applicants", filed a joint application supplementing the original application herein and Petition for Modification of the Commission's order of October 31, 1950, issuing a certificate of pubic convenience and necessity to said Applicants. Applicant's request modification of the Commission's order to permit drilling, plugging, and reconditioning of gas wells, not heretofore authorized, in order to insure the safe and efficient operation of the Oakford Storage Pool in Westmoreland County, Pennsylvania, all as more fully described in said supplement and petition on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their joint supplement and petition be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the supplement and petition, including publication in the FEDERAL REGISTER on August 22, 1952 (17 F. R. 7708).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, a hearing be held on September 12, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such supplement and petition: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 25, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9495; Filed, Aug. 28, 1952; 8:48 a. m.]

[Docket No. G-2033]

CINCINNATI GAS & ELECTRIC CO.

ORDER SUSPENDING PROPOSED TARIFF SHEETS

AUGUST 21, 1952.

On July 28, 1952, Cincinnati Gas & Electric Company (Cincinnati), filed with the Commission Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1.

By the rate filing, Cincinnati proposes to increase the rates and charges to its only wholesale customer, the City of Hamilton, Ohio, by an amount of about $89,000 for the sales estimated for the year ending May 31, 1953. Cincinnati avers that the rate increase application is necessitated principally by the impact upon its purchased gas cost, of increased rates filed by Cincinnati's suppliers, Ohio Fuel Gas Company and Central Kentucky Natural Gas Company. Such higher rates of Ohio Fuel Gas Company are, in part, not yet effective, having been suspended by the Commission and in part in effect under bond, subject to refund; and the rates of Central Kentucky Gas Company are presently in effect under bond, subject to refund.

The increased rates and charges provided in said sheets have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. The City of Hamilton has requested that the Commission determine the reasonableness of Cincinnati's rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Cincinnati's proposed Second Revised Sheet No.4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1, and that said sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in Cincinnati's Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Cincinnati's Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1 be and the same are hereby suspended and the use thereof deferred until January 27, 1953, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 25, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9494; Filed, Aug. 28, 1952; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 173]

PROPER USE OF WORD MAHOGANY IN DESIGNATIONS OF WOOD AND WOOD PRODUCTS

NOTICE OF FURTHER HEARING AND OF OPPORTUNITY FOR PRESENTATION OF ORAL AND WRITTEN VIEWS, DATA, AND SUGGESTIONS

Notice is hereby given and opportunity extended by the Federal Trade Commission to all persons, partnerships, corporations, associations, including consumers, manufacturers, distributors, importers, dealers, officials of State and Federal agencies, foresters, botanists, and all other persons and organizations in any way interested in the subject of the proper use of the word "mahogany," with or without qualifications, as descriptive of wood or wood products marketed in the United States, to appear and take part in further public hearing on this subject and to present orally or in writing such pertinent views, data, information and suggestions as they may desire. Such further hearing will be held on September 16, 1952, beginning at 10 a. m., d. s. t., in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

The written presentation of views, data, information and suggestions may be made by letter, memorandum or other written communication addressed to and filed with the Federal Trade Commission, Washington 25, D. C., on or before September 16, 1952.

Issued: August 26, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-9524; Filed, Aug. 28, 1952; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 55]

HARTFORD, CONNECTICUT AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Hartford, Connecticut, area. (The area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut.)

This supersedes certification under Docket No. 205 dated October 19, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9547; Filed, Aug. 27, 1952; 2:43 p. m.]

[RC 57]

WAVERLY-CAMDEN, TENNESSEE, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Waverly-Camden, Tennessee, Area. (The area consists of Benton and Humphreys Counties, Tennessee.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9551; Filed, Aug. 27, 1952; 2:44 p. m.]

[RC 58]

BARSTOW, CALIFORNIA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Barstow, California, Area. (The area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California.)

This supersedes certification under Docket No. 94 dated March 4, 1952.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9549; Filed, Aug. 27, 1952; 2:43 p. m.]

[CDHA 70]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 27, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Barstow, California, Area. (The area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California.)

This supersedes certification under Docket No. 94 dated March 4, 1952.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9550; Filed, Aug. 27, 1952; 2:44 p. m.]

[CDHA 73]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 27, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and

installations and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Hartford, Connecticut, Area. (The area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut.)

This supersedes certification under Docket No. 205 dated October 8, 1951.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9458; Filed, Aug. 27, 1952; 2:43 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27344]

GROUND PHOSPHATE ROCK FROM NEW ORLEANS, LA., TO CHARLOTTE, N. C.

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Phosphate rock, ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: New Orleans, La.

To: Charlotte, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1167, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9486; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27345]

CLASS AND COMMODITY RATES BETWEEN AUGUSTA, GA., AND THE PACIFIC COAST

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Southern Railway Company, the Georgia & Florida Railroad, and other carriers.

Commodities involved: Class and commodity rates.

Between: Augusta, Ga., on the one hand, and Pacific Coast territory, on the other.

Grounds for relief: Rail competition, circuity, and grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9487; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27346]

RUBBER TIRES AND PARTS FROM MEMPHIS, TENN., TO FAIR LAWN, N. J.

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Memphis, Tenn.

To: Fair Lawn, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9488; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27347]

LIMESTONE FROM PEMBROKE, VA., TO POINTS IN CENTRAL AND TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Agent R. B. Le Grande's tariff I. C. C. No. 241.

Commodities involved: Limestone, ground or pulverized, and stone dust, carloads.

From: Pembroke, Va.

To: Points in trunk-line and central territories.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. B. Le Grande, Agent, I. C. C. No. 241, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the

matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9489; Filed, Aug. 28, 1952; 8:47 a. m.]

[4th Sec. Application 27348]

CLASS RATES IN MISSOURI

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Involving: Class rates governed by exceptions to the classification.

Between: St. Louis, Mo., on the one hand, and Kansas City, Mo., and other points in Missouri, on the other.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3698, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9490; Filed, Aug. 28, 1952; 8:47 a. m.]